

Senate

Amendment Packet

Monday, May 24, 2010

Amendment No. 1 to SB3901

McNally
Signature of Sponsor

AMEND Senate Bill No. 3901*

House Bill No. 3787

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-202, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)

(1) For the exercise of the privilege of engaging in the business of selling tangible personal property at retail in this state, a tax is levied on the sales price of each item or article of tangible personal property when sold at retail in this state; the tax is to be computed on gross sales for the purpose of remitting the amount of tax due the state and is to include each and every retail sale. The tax shall be levied at the rate of seven percent (7%).

(2) In addition to the tax levied by subdivision (1) of this subsection, there is levied a tax at the rate of two and three-quarters percent (2.75%) on the amount in excess of one thousand six hundred dollars (\$1,600), but less than or equal to three thousand two hundred dollars (\$3,200), on the sale or use of any single article of personal property as defined in § 67-6-702(d).

(3) In addition to the taxes levied by subdivisions (1) and (2) of this subsection, there is levied a tax at the rate of two and three-quarters percent (2.75%) on the amount in excess of three thousand two hundred dollars (\$3,200) on the sale or use of any single article of personal property as defined in § 67-6-702(d); provided, however, that the additional tax levied by this subdivision (a)(3) shall not apply to the sale or use of any of the following:

(A) Motor vehicles that are required to be titled under the provisions of title 55, chapter 3;

(B) Watercraft;

(C) Manufactured homes and mobile homes as defined in § 68-126-202; and

(D) Modular homes.

(4) The taxes levied at the rate of two and three-quarters percent (2.75%) pursuant to subdivisions (2) and (3) of this subsection shall be in addition to all other taxes and shall be a state tax for state purposes only. No county or municipality or taxing district shall have the power to levy any tax on the amount in excess of one thousand six hundred dollars (\$1,600) on the sale or use of any single article of personal property.

SECTION 2. Tennessee Code Annotated, Section 67-6-103(c)(1), is amended by deleting the language “but less than or equal to three thousand two hundred dollars (\$3,200)” and is further amended by deleting the language “pursuant to Acts 2002, ch. 856, § 4”.

SECTION 3. Tennessee Code Annotated, Section 67-6-103(f), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Notwithstanding the provisions of subsections (a)-(e), the state tax on fees or charges for subscription to, access to, or use of television programming or television services provided by a video programming service provider offered for public consumption on charges or fees up to but not exceeding twenty-seven dollars and fifty cents (\$27.50) per month shall be for state purposes only and shall be earmarked and allocated specifically and exclusively to the general fund.

SECTION 4. Tennessee Code Annotated, Section 67-6-226, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Notwithstanding other provisions of this chapter to the contrary, state tax at the rate of eight and one-quarter percent (8.25%) on each sale at retail is imposed with respect to fees or charges for subscription to, access to, or use of television

programming or television services provided by a video programming service provider offered for public consumption on charges or fees up to but not exceeding twenty-seven dollars and fifty cents (\$27.50) per month. Such charges or fees in excess of twenty-seven dollars and fifty cents (\$27.50) per month shall be taxed at the rate of the tax levied on the sale of tangible personal property at retail by the provisions of § 67-6-202.

SECTION 5. Designated section 67-4-2401 of Section 130 of Chapter 602 of the Public Acts of 2007, as amended by Section 35 of Chapter 530 of the Public Acts of 2009, as codified as section 67-4-2401, is amended by deleting subsection (b) and by redesignating the subsequent subsection accordingly.

SECTION 6. Tennessee Code Annotated, Section 67-6-329(a), is amended by deleting subdivision (15) in its entirety.

SECTION 7. Tennessee Code Annotated, Section 67-6-221(a), is amended by deleting the language “seven and one-half percent (7.5%)” and by substituting instead the language “nine and one-half percent (9.5%)”.

SECTION 8. Tennessee Code Annotated, Section 67-6-102(78), is amended by designating the current language as subdivision (A) and by adding the following as a new subdivision (B):

(B)

(i) “Sale for resale” does not include a sale of tangible personal property or software to a dealer for use in the business of selling services. Property used in the business of selling services includes, but is not limited to, property that is regularly furnished to purchasers of the service without separate charge. A dealer that sells services shall be considered the end user and consumer of property used in selling, performing, or furnishing such services. However, “sale for resale” does include the following items in the circumstances described:

(a) Repair parts or other property sold to a dealer if such property is subsequently transferred to the customer in conjunction with the

dealer's performance of repair services, regardless of whether the dealer makes a separately stated charge for such property;

(b) Installation parts or other property sold to a dealer if such property is subsequently transferred to the customer in conjunction with the installation of property that remains tangible personal property following such installation, regardless of whether the dealer makes a separately stated charge for such property; and

(c) Mobile telephones and similar devices sold to a dealer if such property is subsequently transferred to the customer in conjunction with the sale of commercial mobile radio services (CMRS), regardless of whether the dealer makes a separately stated charge for such property.

(ii) "Sale for resale" does not include a sale of services to a dealer for use in the business of selling, leasing, or renting tangible personal property or computer software. Services used in the business of selling, leasing, or renting tangible personal property include, but are not limited to, services such as cleaning, maintaining, or repairing property that is held as inventory for sale, lease, or rental. A dealer that sells, leases, or rents tangible personal property or computer software shall be considered the end user and consumer of services used in conducting such business.

(iii) Nothing in this subdivision (78) shall be construed as amending or otherwise effecting the exemption provided in § 67-6-392.

SECTION 9. Tennessee Code Annotated, Section 67-6-322(a), is amended by deleting the following language:

There is exempt from the provisions of this chapter any sales or use tax upon tangible personal property or taxable services

and by substituting instead the following language:

There is exempt from the provisions of this chapter any sales or use tax upon tangible personal property, computer software, or taxable services

SECTION 10. Sections 18 through 22 of Chapter 530 of the Public Acts of 2009 shall apply to transactions occurring on or after January 1, 2008.

SECTION 11. Tennessee Code Annotated, Section 7-88-106(a), is amended by inserting the following language between the second sentence and the third sentence:

For any facility that elects to qualify as a qualified public use facility and is located in any county having a population of not less than seventy-one thousand one hundred (71,100) nor more than seventy-one thousand two hundred (71,200) according to the 2000 federal census or any subsequent federal census, any revenue derived from an increase in the local sales and use tax rate occurring on or after January 1, 2009, may not be apportioned and distributed for such a qualified public use facility and instead shall be apportioned and distributed exclusively as provided in § 67-6-712(a); provided, however, that this sentence shall not apply to any increase in the local sales and use tax enacted after July 1, 2010.

SECTION 12. Tennessee Code Annotated, Section 67-4-2004, is amended by deleting subdivision (7) in its entirety and by substituting instead the following:

(7) “Captive real estate investment trust” or “captive REIT” means an entity with an election in effect under § 856(c)(1) of the Internal Revenue Code, compiled in 26 U.S.C. § 856(c)(1), in which any other entity or individual, directly or indirectly, has at least eighty percent (80%) ownership interest by value determined in accordance with generally accepted accounting principles and whose shares are not traded on a national stock exchange;

SECTION 13. Tennessee Code Annotated, Section 67-4-2004, is amended by adding the following as a new, appropriately designated subdivision:

() “Captive REIT affiliated group” means a captive REIT and any entity in which the captive REIT, directly or indirectly, has more than fifty percent (50%) ownership interest; provided, however, that a “captive REIT affiliated group” does not include a group in which the captive REIT is owned, directly or indirectly, by a bank or bank holding company;

SECTION 14. Tennessee Code Annotated, Section 67-4-2006(e), is amended by designating the current language as subdivision (1) and by adding the following language as a new subdivision (2):

(2) For purposes of this subsection (e), “captive REIT” means an entity with an election in effect under § 856(c)(1) of the Internal Revenue Code, compiled in 26 U.S.C. § 856(c)(1), in which the financial institution, directly or indirectly, has at least eighty percent (80%) ownership interest by value determined in accordance with generally accepted accounting principles and whose shares are not traded on a national stock exchange;

SECTION 15. Tennessee Code Annotated, Section 67-4-2006(a), is amended by adding the following as a new, appropriately designated subdivision:

() In the case of a captive REIT affiliated group, “net earnings” or “net loss” is defined as the combined net earnings or net loss, as defined in subdivision (a)(1), for all members of the affiliated group, with all dividends, receipts, and expenses resulting from transactions between members of the affiliated group excluded when computing combined net earnings, and subject to the adjustments in subsections (b) and (c) on a combined basis, even if some of the members would not be subject to taxation under this part if considered apart from the affiliated group.

SECTION 16. Tennessee Code Annotated, Section 67-4-2006(b), is amended by adding the following as a new, appropriately designated subdivision:

() Any deduction by a captive REIT for dividends paid, as defined under 26 U.S.C. § 561, that is allowed and taken under 26 U.S.C. § 857(b)(2)(B); provided, however, that this subdivision shall not apply to a captive REIT that is owned, directly or indirectly, by a bank or bank holding company;

SECTION 17. Tennessee Code Annotated, Section 67-4-2007(e)(1), is amended by deleting the language “Except for unitary groups of financial institutions and business entities that have been required or permitted” and by substituting instead the language “Except for

unitary groups of financial institutions, captive REIT affiliated groups, and business entities that have been required or permitted”.

SECTION 18. Tennessee Code Annotated, Section 67-4-2007(e), is amended by adding the following as a new, appropriately designated subdivision:

() Persons subject to tax in this state that are members of a captive REIT affiliated group shall file a combined return and pay tax based on the apportioned combined net earnings of the entire captive REIT affiliated group, as defined in § 67-4-2006(a). The members of the group shall designate one (1) member that is subject to tax in this state to file the combined return. Each member subject to tax in this state shall be jointly and severally liable for the tax imposed by this part with regard to the affiliated group.

SECTION 19. Tennessee Code Annotated, Section 67-4-2013, is amended by adding the following as a new, appropriately designated subsection:

() The net earnings of a captive REIT affiliated group shall be apportioned to Tennessee based on property, payroll, and double weighted receipts as provided in § 67-4-2012, including the factors of those members of the affiliated group that would not be subject to taxation in this state if considered apart from the affiliated group; provided, however, that dividends, receipts, and expenses resulting from transactions between members of the affiliated group shall be excluded for purposes of apportionment under this subsection.

SECTION 20. Tennessee Code Annotated, Section 67-4-2106(b), is amended by adding the following language at the end of the subsection:

For a captive REIT affiliated group, “net worth” is defined as the difference between the total assets less the total liabilities of the affiliated group at the close of business on the last day of the tax year, as shown by a pro forma consolidated balance sheet including all members of the group. The pro forma consolidated balance sheet shall be prepared in accordance with generally accepted accounting principles wherein

transactions and holdings between members of the group and holdings in non-domestic persons have been eliminated.

SECTION 21. Tennessee Code Annotated, Section 67-4-2106(c), is amended by deleting the language “Except for unitary groups of financial institutions, business entities that have been required or permitted” and by substituting instead the language “Except for unitary groups of financial institutions, captive REIT affiliated groups, and business entities that have been required or permitted”.

SECTION 22. Tennessee Code Annotated, Section 67-4-2111(b)(2)(A), is amended by deleting the following language:

For a taxpayer electing to compute its net worth on a consolidated basis, the property factor is

and by substituting instead the following language:

For a taxpayer electing to compute its net worth on a consolidated basis, and for a member of a captive REIT affiliated group, the property factor is

SECTION 23. Tennessee Code Annotated, Section 67-4-2111(e)(2)(A), is amended by deleting the following language:

For a taxpayer electing to compute its net worth on a consolidated basis, the payroll factor is

and by substituting instead the following language:

For a taxpayer electing to compute its net worth on a consolidated basis, and for a member of a captive REIT affiliated group, the payroll factor is

SECTION 24. Tennessee Code Annotated, Section 67-4-2111(g)(2), is amended by deleting the following language:

For a taxpayer electing to compute its net worth on a consolidated basis, the receipts factor is

and by substituting instead the following language:

For a taxpayer electing to compute its net worth on a consolidated basis, and for a member of a captive REIT affiliated group, the receipts factor is

SECTION 25. Tennessee Code Annotated, Section 67-4-2114, is amended by adding the following as a new, appropriately designated subsection:

() Persons subject to tax in this state that are members of a captive REIT affiliated group, as defined in § 67-4-2004, shall file a combined return and pay the tax imposed by this part, after apportionment, based on all operations of the entire captive REIT affiliated group. The return required by this section shall include the information set out in subsections (a) and (b) for every member of the affiliated group, even if some of the members would not otherwise be subject to taxation under this part. The members of the group shall designate one (1) member that would otherwise be subject to tax on a separate entity basis to file the combined return. Each member subject to tax in this state shall be jointly and severally liable for the tax imposed by this part with regard to the affiliated group.

SECTION 26. Tennessee Code Annotated, Section 67-4-2006(b)(1)(N), is amended by adding the following sentence at the end of the subdivision:

This subdivision (b)(1)(N) shall not apply to “commercial and industrial tangible personal property” as defined in § 67-5-501.

SECTION 27. Tennessee Code Annotated, Section 67-4-2004(1), is amended by adding the following as a new subdivision (C):

(C) For purposes of this subdivision (1), an entity described in subdivision (1)(A)(ii) can include a natural person, and for such purposes, indirect ownership by an individual includes ownership by any family member of the individual, which means, with respect to the individual:

- (i) An ancestor of the individual;
- (ii) The spouse or former spouse of the individual;
- (iii) A lineal descendant of the individual, of the individual’s spouse or former spouse, or of a parent of the individual;
- (iv) The spouse or former spouse of any lineal descendant described in subdivision (1)(C)(iii); or

(v) The estate or trust of a deceased individual who, while living, was as described in any of the subdivisions (1)(C)(i)-(iv);

SECTION 28. Tennessee Code Annotated, Section 67-1-804(b), is amended by inserting the following as a new subdivision immediately following subdivision (2) and by renumbering the remaining subdivisions accordingly:

(3) When any person fails to pay the tax required by § 67-4-2007(f), if such failure is determined by the commissioner to be due to negligence, there shall be imposed a penalty in the amount of fifty percent (50%) of the underpayment.

SECTION 29. Tennessee Code Annotated, Section 67-4-2007(f)(3), is amended by deleting the language “§ 67-1-804(b)(2)” and by substituting instead the language “§ 67-1-804(b)(3)”.

SECTION 30. Tennessee Code Annotated, Section 67-4-2109(g)(5), is amended by deleting the language “The provisions of subdivisions (c)(2)(F) and (G)” and by substituting instead the language “The provisions of subdivision (b)(1)(D)”.

SECTION 31. Tennessee Code Annotated, Section 67-4-2004, is amended by adding the following as two new, appropriately designated subdivisions:

() “Key tenant” means any tenant, located within a qualified medical trade center, that leases and occupies a significant portion of the facility and is determined, in the sole discretion of the commissioner of economic and community development and the commissioner of revenue, to be essential to the initial establishment and viability of the trade center;

() “Qualified medical trade center” means any facility, located in a county with a metropolitan form of government, that is substantially composed of permanent and temporary show rooms for medical product suppliers as well as educational space and conference facilities for medical trade shows, provided that such facility is constructed, expanded, or remodeled through an investment of more than two hundred fifty million dollars (\$250,000,000) and contains more than one million square feet (1,000,000 sq. ft.) of space upon completion;

() “Qualified medical trade center relocation expenses” means those expenses that both the commissioner of revenue and the commissioner of economic and community development determine, in their sole discretion, are necessary to the creation of a permanent show room within a qualified medical trade center in conjunction with the initial establishment of such facility;

SECTION 32. Tennessee Code Annotated, Section 67-4-2109, is amended by adding the following as a new, appropriately designated subsection:

() There shall be allowed a credit against a key tenant’s franchise and excise tax liability equal to any qualified medical trade center relocation expenses incurred by the key tenant; provided, however, that such credit shall not exceed an amount equal to ten dollars (\$10.00) for each square foot of space within the facility that is leased and occupied by the key tenant. To the extent that any amount allowed as a credit under this subsection (), for any tax year, exceeds the combined franchise and excise tax after the application of all available credits, the amount of such excess shall be considered an overpayment and shall be refunded to the key tenant. The refund shall be subject to the procedures of § 67-1-1802; provided, however, notwithstanding any procedure of § 67-1-1802 to the contrary, that a claim for refund shall be filed with the commissioner within three (3) years from December 31 of the year in which the qualified medical trade center relocation expenses were incurred.

SECTION 33. Tennessee Code Annotated, Section 67-4-2109, is amended by adding the following as a new, appropriately designated subsection:

()

(1) For purposes of this subsection (), “qualified advertising expenses” means advertising expenses that are incurred for the purpose of co-promoting a qualified medical trade center and the state of Tennessee or the city of Nashville; provided, however, that the expenses shall not qualify under this subdivision unless both the commissioner of revenue and the commissioner of economic and community development determine, in their sole discretion, that the advertising

and the allowance of the credit are in the best interests of this state. For purposes of this subdivision, "best interests of the state" means a determination by the commissioner of revenue and the commissioner of economic and community development that the advertising is a result of the credit provided in this subsection ().

(2) A credit in an amount equal to fifteen percent (15%) of any qualified advertising expenses shall be allowed against the combined franchise and excise tax liability of any taxpayer that incurs and pays such qualified expenses.

(3) In order for a taxpayer to become entitled to a credit under this subsection, the taxpayer shall submit documentation verifying that the qualified advertising expenses have been incurred and paid.

(4) The commissioner shall review the documentation and notify the taxpayer of the approved credit.

(5) Once the taxpayer has been notified of the approved credit, the taxpayer may submit a claim for the credit. To the extent that any amount allowed as a credit under this subsection, for any tax year, exceeds the combined franchise and excise tax after the application of all available credits, the amount of such excess shall be considered an overpayment and shall be refunded to the taxpayer. The refund shall be subject to the procedures of § 67-1-1802; provided, however, notwithstanding any procedure of § 67-1-1802 to the contrary, that a claim for refund shall be filed with the commissioner within three (3) years from December 31 of the year in which the qualified advertising expenses were incurred.

SECTION 34. Tennessee Code Annotated, Section 67-4-2109(b)(3), is amended by adding the following language as a new, appropriately designated subdivision:

() If determined to be in the best interests of the state, the commissioner is authorized to lower the wage and investment criteria contained in subdivision (b)(2)(B) of

this subsection if the investment is made and the jobs are created within a central business district or an economic recovery zone;

SECTION 35. Tennessee Code Annotated, Section 67-4-2109(h), is amended by adding the following as a new, appropriately designated subdivision:

() If determined to be in the best interests of the state, the commissioner is authorized to lower the wage criteria contained in this subsection (h) if the jobs are created within a central business district or an economic recovery zone. If determined to be in the best interests of the state, the commissioner is further authorized to allow a relocation expense credit to any scrap metal processing facility relocating from a central business district or an area adjacent to the central business district and separated only by a waterway. Such credit shall be equal to the amount of relocation expenses incurred and paid by the facility but shall not exceed the amount of credit allowed under subdivision (3)(E) of this subsection (h) for the relocation of staff employees of a headquarters facility.

SECTION 36. Tennessee Code Annotated, Section 67-4-2109(b)(3), is amended by adding the following language as a new, appropriately designated subdivision:

() Any airline company that has established its international, national or regional headquarters in this state and has met the requirements to qualify for the credit provided in § 67-6-224 may elect to convert any available and unused job tax credit created under subdivision (b)(1) of this section and any available and unused additional annual credit created under subdivision (b)(2) of this section into a refundable credit which shall be discounted to net present value using the interest rate in effect pursuant to the provisions of § 67-1-801 on the date of such election; provided, however, that the election shall be available only if the commissioner of revenue and the commissioner of economic and community development determine that allowance of the election is in the best interests of the state;

SECTION 37. Tennessee Code Annotated, Section 67-4-2109(h), is amended by adding the following as a new, appropriately designated subdivision:

() Any insurance company, as defined in § 56-1-102, that otherwise meets all of the criteria contained in this subsection (h) and would be subject to the tax imposed by this part and part 20 of this chapter if not for the exemption provided in § 67-4-2008(a)(14), shall be granted the credit provided in this subsection (h) and shall be entitled to a refund as provided in subdivision (4) of this subsection;

SECTION 38. Tennessee Code Annotated, Section 67-4-2109(k)(1), is amended by deleting the language “prior to July 1, 2012,” from the first sentence of subdivision (A).

SECTION 39. Tennessee Code Annotated, Section 67-4-2109(k), is amended by deleting subdivisions (2) through (5) and by substituting instead the following:

(2) A credit in an amount equal to fifteen percent (15%) of any qualified expenses shall be allowed against the combined franchise and excise tax liability of any qualified production company that has established a headquarters facility as defined in § 67-6-224. If the qualified production company does not have a headquarters facility as defined in § 67-6-224, then any qualified investor shall be allowed a credit equal to the amount of credit to which the qualified production company would have been entitled had it established a headquarters facility as defined in § 67-6-224, multiplied by the qualified investor's percentage ownership interest in the qualified production company.

(3) In order for either a qualified production company or a qualified investor to become entitled to a credit under this subsection (k), the qualified production company shall submit documentation verifying that the qualified expenses have been incurred and paid.

(4) The commissioner shall review the documentation and notify the qualified production company of the approved credit.

(5) Once the qualified production company has been notified of the approved credit, either the qualified production company or the qualified investment company, as appropriate, may submit a claim for the credit. To the extent that any amount allowed as a credit under this subsection (k), for any tax year, exceeds the combined franchise and excise tax after the application of all available credits, the amount of such excess shall

be considered an overpayment and shall be refunded to the qualified production company or the qualified investment company that claimed the credit. The refund shall be subject to the procedures of § 67-1-1802; provided, however, notwithstanding any procedure of § 67-1-1802 to the contrary, that a claim for refund shall be filed with the commissioner within three (3) years from December 31 of the year in which the qualified expenses were incurred. In no case shall a refund for the same qualified expenses be allowed twice.

SECTION 40. Tennessee Code Annotated, Section 67-6-102(47)(H)(i), is amended by adding the word “or” at the end of subdivision (b) and by adding the following language as a new subdivision (c):

(c) An expansion to an existing warehouse or distribution facility in this state through an aggregate investment in excess of twenty million dollars (\$20,000,000) by the taxpayer, and/or a lessor to the taxpayer, over a period not exceeding three (3) years, consisting of an investment in excess of ten million dollars (\$10,000,000) in the renovation or expansion of an existing building and/or the purchase of new equipment for such a building, together with an investment in excess of ten million dollars (\$10,000,000) in the construction of a new, previously unoccupied building and/or equipment for such a building;

SECTION 41. Tennessee Code Annotated, Section 67-4-2109(m), is amended by deleting the language “the Tennessee rural opportunity fund” each place that it appears in subdivisions (1) and (2) and by substituting instead the language “the Tennessee rural opportunity fund or the Tennessee small business opportunity fund”.

SECTION 42. Tennessee Code Annotated, Section 67-4-2008(a), is amended by deleting the word “and” at the end of subdivision (13) and is further amended by deleting the period at the end of subdivision (14) and substituting instead the language “; and” and is further amended by adding the following language as subdivision (15):

(15) Any qualified TNInvestco, as defined in § 4-28-102, that has received an allocation of investment tax credits under the Tennessee Small Business Investment Company Credit Act and continues to participate in the program established by such Act.

SECTION 43. Tennessee Code Annotated, Section 67-4-2008(f)(5), is amended by deleting the language “(a)(13) or (a)(14)” and by substituting instead the language “(a)(13), (a)(14) or (a)(15)”.

SECTION 44. Tennessee Code Annotated, Section 67-4-2109(b)(2)(B)(iii), is amended by deleting the language “An integrated supplier,” and by substituting instead the language “An integrated supplier or integrated customer,”.

SECTION 45. Tennessee Code Annotated, Section 67-4-2004, is amended by adding the following as a new, appropriately designated subdivision:

() “Certified green energy production facility” means a facility certified by the department of environment and conservation as producing electricity for use and consumption off the premises using clean energy technology. For the purposes of this subdivision, clean energy technology means technology used to generate energy from geothermal, hydrogen, solar, and wind sources;

SECTION 46. Tennessee Code Annotated, Section 67-4-2108(a)(5), is amended by adding the following as a new, appropriately designated subdivision:

() Machinery and equipment used to produce electricity in a certified green energy production facility shall not be deemed to be property that is actually utilized by the taxpayer for purposes of this section. A copy of the facility certification issued by the department of environment and conservation shall be furnished to the commissioner by the taxpayer with the franchise tax return to verify exemption.

SECTION 47. Tennessee Code Annotated, Section 67-6-346, is amended by inserting the following language between the third and forth sentences:

The credit provided in this section shall also apply to machinery and equipment used to produce electricity in a certified green energy production facility, as defined in § 67-4-2004. A copy of the facility certification issued by the department of environment and

conservation shall be furnished to the commissioner by the taxpayer to establish entitlement to the credit.

SECTION 48. Tennessee Code Annotated, Section 67-5-604, is amended by adding the following as a new, appropriately designated subsection:

() The valuation applied to pollution control facilities under this section shall also apply to machinery and equipment used to produce electricity in a certified green energy production facility, as defined in § 67-4-2004. A copy of the facility certification issued by the department of environment and conservation shall be required in order to qualify for such valuation.

SECTION 49. Tennessee Code Annotated, Section 67-6-103(d)(1)(E), is amended by inserting the following language as a new subdivision immediately after subdivision (ii) and by redesignating the remaining subdivision accordingly:

(iii) In addition to the distribution provided in subdivisions (d)(1)(E)(i) and (ii), if a hotel within the footprint of the convention center, as determined by the commissioner of revenue and the commissioner of economic and community development, undertakes a significant capital improvement program in connection with the construction of the convention center, then an amount shall also be apportioned and distributed to the entity that is responsible for the retirement of the debt on the convention center and ancillary facilities equal to the amount of state and local tax revenue derived under this chapter from the sale of lodging, parking, food, drink, and any other things or services subject to tax under this chapter, if the sales occur on the premises of the hotel. The apportionment and distribution shall begin at the time that the significant capital improvement program is substantially completed and shall continue for thirty (30) years, or until the debt on the convention center is retired, whichever is sooner. To be entitled to receive the distribution of state and local tax revenue under this subdivision (d)(1)(E)(iii), the entity responsible for the retirement of the debt on the convention center must first receive certification from the commissioner of revenue and the commissioner of economic and community development, with the approval of the commissioner of

finance and administration, that the capital improvement program is directly related to the construction of the convention center.

SECTION 50. Tennessee Code Annotated, Section 67-4-708(1), is amended by deleting subdivisions (A) and (B) in their entirety and by substituting instead the following:

(A) Food and/or beer as defined in § 57-6-102, generally destined for home preparation and consumption, except persons engaged in the business of selling delicatessens and candy at retail; and services performed by food brokers;

(B) Lumber, building materials, tools, builders hardware, paint and glass, electrical supplies, roofing materials, farm equipment, plumbing, heating and air conditioning equipment, and other basic lines of hardware; gasoline and diesel fuel sold at wholesale; and sales of tangible personal property by persons operating service stations, except sales covered by subdivision (1)(D);

SECTION 51. Tennessee Code Annotated, Section 67-4-713(a)(3), is amended by deleting subdivision (A) in its entirety and by substituting instead the following:

(A) Personal property taxes are allowable as a credit only to the extent that the property is located at the place of business covered by the return required by this part and the property is taxed by the same city or county that levied the tax under this part;

SECTION 52. Tennessee Code Annotated, Section 67-4-714, is amended by deleting the current language in its entirety and by substituting instead the following:

67-4-714.

(a) The minimum business tax payable under this part by any person subject to the tax levied in this part shall be as follows:

(1) Notwithstanding § 67-4-709(1)-(4) for taxpayers included in classifications (1)-(4) in § 67-4-708, the minimum business tax shall be twenty-two dollars (\$22.00) per annum after applying all deductions and credits set forth in §§67-4-711 and 67-4-713. In the case of coin-operated machines, only the principal place of business shall be subject to the minimum tax.

(2) Notwithstanding § 67-4-709(5) for taxpayers included in classification (5) in § 67-4-708, the minimum tax payable shall be four hundred fifty dollars (\$450) per annum after applying all deductions and credits set forth in §§67-4-711 and 67-4-713; however, under no circumstances shall the tax payable under § 67-4-709(5) be more than one thousand five hundred dollars (\$1,500) per annum after applying all deductions and credits set forth in §§67-4-711 and 67-4-713.

(b) A taxable entity that is incorporated, domesticated, qualified or otherwise registered to do business in this state, but is, or has become, inactive in this state, or whose charter, domestication, qualification or other registration is forfeited, revoked or suspended without the entity being properly dissolved, surrendered, withdrawn, cancelled or otherwise properly terminated, shall not be relieved from filing a return and paying the business tax, which shall be no less than the minimum tax established in subsection (a) of this section.

SECTION 53. Tennessee Code Annotated, Section 67-2-106, is hereby repealed in its entirety.

SECTION 54. Tennessee Code Annotated, Section 67-2-121, is amended by deleting the language “or any corporation failing to furnish the information required by § 67-2-106,”.

SECTION 55. Tennessee Code Annotated, Section 67-8-208, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) The commissioner shall thereupon cause to be paid to the executor the amount of refund found to be due, together with interest thereon as provided in § 67-1-801(b).

SECTION 56. Tennessee Code Annotated, Section 67-4-409(j), is amended by adding the following as a new, appropriately designated subdivision:

() Acquisition pursuant to this subsection (j) of property classified under title 67, chapter 5, part 10, shall not constitute a change in the use of the property, and no rollback taxes shall become due solely as a result of such acquisition.

SECTION 57. Tennessee Code Annotated, Section 7-39-307, is amended by deleting the following language:

Accordingly, the corporation and all properties at any time owned by it and by substituting instead the following language:

Accordingly, the corporation and all properties at any time owned by it, except as provided in subsection (b),

SECTION 58. Tennessee Code Annotated, Section 7-39-307, is amended by designating the current language as subsection (a) and adding the following language:

(b)

(1) Notwithstanding any other provision of the law to the contrary, an energy acquisition corporation, established pursuant to title 7, chapter 39, that acquires an ongoing concern engaged in the sale and distribution of liquefied petroleum gas (propane) may enter into agreements for payments in lieu of taxes, referred to as "tax equivalents", with any local government to which the acquired concern formerly paid ad valorem property tax.

(2) The amount of such payments shall be fixed at the amount of ad valorem taxes that would be otherwise due and payable by the business based upon the assessed value of the property that would be subject to tax if such business had not been acquired by the energy acquisition corporation. Such payments shall only be used in the same manner and for the same purposes as ad valorem taxes collected by the recipient local government.

SECTION 59. Tennessee Code Annotated, Section 67-4-2109, is amended by adding the following as a new, appropriately designated subsection:

() The commissioner of revenue, the commissioner of economic and community development, and the commissioner of finance and administration are authorized to jointly establish a program pursuant to which buildings, facilities, or other infrastructure may be developed utilizing a state funding mechanism and pursuant to which the value of tax credits that have been earned by the taxpayer but remain

unutilized may be applied, in lieu of payments, toward the purchase or lease of such property pursuant to a contractual agreement between the taxpayer and the program. Such tax credits may include those to which the taxpayer is entitled under this section or under any other provision of this part, part 21 of this chapter, or chapter 6 of this title.

SECTION 60. Tennessee Code Annotated, Section 67-4-2109(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) "Best interests of the state" includes, but is not limited to, a determination by the commissioner of revenue and the commissioner of economic and community development that the capital investment or jobs are a result of the credit provided in this section. In addition to its use in subsection (b), the definition in this subdivision (a)(1) shall apply to this section in its entirety unless otherwise specifically provided;

SECTION 61. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following language as a new, appropriately designated section:

67-6-2____.

(a) A taxpayer who engages in a qualified disaster restoration project in this state shall be eligible for a credit of all state sales or use taxes paid to the state of Tennessee, except tax at the rate of one-half percent (0.5%), on the sales or use of qualified tangible personal property.

(b) For purposes of this section:

(1) "Qualified disaster restoration project" means a project undertaken in connection with the restoration of real or tangible personal property located within a declared federal disaster area that suffered damages as a result of that disaster, provided that such project involves a minimum investment of fifty million dollars (\$50,000,000) or more for the restoration of such property. Such minimum investment may include, but is not limited to, the cost of constructing or refurbishing a building and the cost of building materials, labor, equipment, furniture, fixtures, computer software, and other tangible personal property within the building, but shall not include land or inventory; and

(2) “Qualified tangible personal property” means building materials, machinery, equipment, computer software, furniture and fixtures used exclusively to replace or restore real or tangible personal property that suffered damages as a result of the disaster covered by this section and purchased or leased prior to substantial completion of the qualified disaster restoration project. “Qualified tangible personal property” does not include any payments with respect to leases of qualifying tangible personal property that extend beyond substantial completion of the disaster restoration project;

(c) The taxpayer shall not be permitted to take advantage of any additional sales or use tax credits, exemptions, or reduced rates that would otherwise be available under this chapter as a result of the same purchases or minimum investment.

(d)

(1) A taxpayer seeking this credit shall first submit to the commissioner an application to qualify its project as a qualified disaster restoration project, together with a plan describing the investment to be made. In the case of a leased building, the lessor shall also file an application and plan, if any taxes paid by the lessor are to be claimed as part of the credit provided in this section. The application and plan shall be submitted on forms prescribed by the commissioner and shall demonstrate that the requirements of the law will be met.

(2) After approval of the application and plan, the commissioner shall issue a letter to the taxpayer stating that the taxpayer has tentatively met the requirements for the credit provided in this section.

(3) In order to receive the credit, the taxpayer shall submit a claim for credit, along with documentation as required by the commissioner showing that Tennessee sales or use taxes have been paid to the state on qualified tangible personal property. The taxpayer’s claim for credit of sales or use taxes paid to Tennessee may include such taxes paid by the taxpayer, lessor, in the case of a leased building, contractors, and subcontractors on sales or use of qualified

tangible personal property. Documentation verifying that the minimum investment requirements have been met shall include, but are not limited to, employment records, invoices, bills of lading, lease agreements, contracts, and all other pertinent records and schedules as required by the commissioner.

(4) The commissioner shall review the claim for credit and notify the taxpayer of the approved tax credit amount and provide direction for taking the credit. The taxpayer may not take the credit until the commissioner has notified the taxpayer of the amount approved and provided direction to the taxpayer on the proper methodology for taking the credit. The credit may only be taken by the taxpayer engaged in the qualified disaster recovery project.

(e) If the minimum investment requirement or other terms of this section are not met, the taxpayer shall be subject to assessment for any sales or use tax, penalty, or interest that would otherwise have been due and for which credit was taken. The statute of limitations shall not begin to run on these assessments until December 31 of the year in which the project is substantially completed.

(f) Credits under this section shall not reduce the taxes earmarked and allocated to education pursuant to § 67-6-103(c).

(g) Nothing in this section shall require that the taxpayer establish its commercial domicile in this state in order to receive the credit.

SECTION 62. Tennessee Code Annotated, Section 67-4-2109(I), is amended by adding the following as a new, appropriately designated subdivision:

() Notwithstanding § 47-14-103 or any other provision to the contrary, a community development financial institution, as described in this subdivision (I), shall be allowed to charge a rate of interest not to exceed twenty-four percent (24%) per annum.

SECTION 63. Sections 1 through 4, Sections 6 through 8, and Section 56 of this act shall take effect on July 1, 2010, the public welfare requiring it. Section 5 of this act shall take effect on July 1, 2011 at 12:01 a.m., the public welfare requiring it. Sections 12 through 25 of this act shall take effect on July 1, 2010 and shall apply to all tax years ending on or after July 1,

2010, the public welfare requiring it. Section 40 of this bill shall take effect on July 1, 2010 and shall apply to business plans filed on or after July 1, 2010, the public welfare requiring it. The remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to Amendment 1 to SB3901

McNally
Signature of Sponsor

AMEND Senate Bill No. 3901*

House Bill No. 3787

By deleting the following language in its entirety from the bill as amended and by redesignating all remaining language accordingly:

SECTION 1. Tennessee Code Annotated, Section 67-6-202, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)

(1) For the exercise of the privilege of engaging in the business of selling tangible personal property at retail in this state, a tax is levied on the sales price of each item or article of tangible personal property when sold at retail in this state; the tax is to be computed on gross sales for the purpose of remitting the amount of tax due the state and is to include each and every retail sale. The tax shall be levied at the rate of seven percent (7%).

(2) In addition to the tax levied by subdivision (1) of this subsection, there is levied a tax at the rate of two and three-quarters percent (2.75%) on the amount in excess of one thousand six hundred dollars (\$1,600), but less than or equal to three thousand two hundred dollars (\$3,200), on the sale or use of any single article of personal property as defined in § 67-6-702(d).

(3) In addition to the taxes levied by subdivisions (1) and (2) of this subsection, there is levied a tax at the rate of two and three-quarters percent (2.75%) on the amount in excess of three thousand two hundred dollars (\$3,200) on the sale or use of any single article of personal property as defined in § 67-6-702(d); provided, however, that the additional tax levied by this subdivision (a)(3) shall not apply to the sale or use of any of the following:

(A) Motor vehicles that are required to be titled under the provisions of title 55, chapter 3;

(B) Watercraft;

(C) Manufactured homes and mobile homes as defined in § 68-126-202; and

(D) Modular homes.

(4) The taxes levied at the rate of two and three-quarters percent (2.75%) pursuant to subdivisions (2) and (3) of this subsection shall be in addition to all other taxes and shall be a state tax for state purposes only. No county or municipality or taxing district shall have the power to levy any tax on the amount in excess of one thousand six hundred dollars (\$1,600) on the sale or use of any single article of personal property.

SECTION 2. Tennessee Code Annotated, Section 67-6-103(c)(1), is amended by deleting the language “but less than or equal to three thousand two hundred dollars (\$3,200)” and is further amended by deleting the language “pursuant to Acts 2002, ch. 856, § 4”.

SECTION 3. Tennessee Code Annotated, Section 67-6-103(f), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Notwithstanding the provisions of subsections (a)-(e), the state tax on fees or charges for subscription to, access to, or use of television programming or television services provided by a video programming service provider offered for public consumption on charges or fees up to but not exceeding twenty-seven dollars and fifty cents (\$27.50) per month shall be for state purposes only and shall be earmarked and allocated specifically and exclusively to the general fund.

SECTION 4. Tennessee Code Annotated, Section 67-6-226, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Notwithstanding other provisions of this chapter to the contrary, state tax at the rate of eight and one-quarter percent (8.25%) on each sale at retail is imposed with respect to fees or charges for subscription to, access to, or use of television

programming or television services provided by a video programming service provider offered for public consumption on charges or fees up to but not exceeding twenty-seven dollars and fifty cents (\$27.50) per month. Such charges or fees in excess of twenty-seven dollars and fifty cents (\$27.50) per month shall be taxed at the rate of the tax levied on the sale of tangible personal property at retail by the provisions of § 67-6-202.

SECTION 5. Designated section 67-4-2401 of Section 130 of Chapter 602 of the Public Acts of 2007, as amended by Section 35 of Chapter 530 of the Public Acts of 2009, as codified as section 67-4-2401, is amended by deleting subsection (b) and by redesignating the subsequent subsection accordingly.

SECTION 6. Tennessee Code Annotated, Section 67-6-329(a), is amended by deleting subdivision (15) in its entirety.

SECTION 7. Tennessee Code Annotated, Section 67-6-221(a), is amended by deleting the language "seven and one-half percent (7.5%)" and by substituting instead the language "nine and one-half percent (9.5%)".

AND FURTHER AMEND by adding the following language to SECTION 8 as amended as new amendatory subdivision (B)(i)(d):

(d) Food or beverages sold to a hotel, motel, inn or other dealer that provides lodging accommodations if such food or beverages are subsequently transferred to the customer in conjunction with the dealer's sale of lodging accommodations to the customer, regardless of whether the dealer makes a separately stated charge for such property;

AND FURTHER AMEND by deleting the last section of the bill as amended in its entirety and by substituting instead the following:

SECTION _____. Sections 1 and 49 of this act shall take effect on July 1, 2010, the public welfare requiring it. Sections 5 through 18 of this act shall take effect on July 1, 2010 and shall apply to all tax years ending on or after July 1, 2010, the public welfare requiring it.

Section 33 of this bill shall take effect on July 1, 2010 and shall apply to business plans filed on or after July 1, 2010, the public welfare requiring it. The remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to Amendment 1 to SB3901

McNally
Signature of Sponsor

AMEND Senate Bill No. 3901*

House Bill No. 3787

by deleting the amendatory language in SECTION 59 of the bill as amended and by substituting instead the following:

() The commissioner of revenue, the commissioner of economic and community development, and the commissioner of finance and administration are authorized, with the approval of the comptroller of the treasury, to jointly establish a program pursuant to which buildings, facilities, or other infrastructure may be developed utilizing a state funding mechanism and pursuant to which the value of tax credits that have been earned by the taxpayer but remain unutilized may be applied, in lieu of payments, toward the purchase or lease of such property pursuant to a contractual agreement between the taxpayer and the program. Such tax credits may include those to which the taxpayer is entitled under this section or under any other provision of this part, part 21 of this chapter, or chapter 6 of this title.

Amendment No. 2 to SB3901

McNally
Signature of Sponsor

AMEND Senate Bill No. 3901*

House Bill No. 3787

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 67-4-2109(a)(5)(C), is amended by deleting the language "in an enhancement county" in its entirety.

Amendment No. 3 to SB3901

McNally
Signature of Sponsor

AMEND Senate Bill No. 3901*

House Bill No. 3787

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 67-4-2009, is amended by adding the following language as a new subdivision:

(10)

(A) Except as otherwise provided in subdivision (10)(E), there shall be allowed against the sum total of the taxes imposed by the franchise tax law, compiled in part 21 of this chapter, and by the excise tax law, compiled in this part, a credit equal to fifty percent (50%) of the purchase price of Brownfield property purchased in Tennessee during the tax period covered by the return for the purpose of a qualified development project.

(B) For the purposes of this subdivision (10), unless the context otherwise requires:

(i) "Brownfield property" means real property that is determined by the commissioner of environment and conservation to be abandoned, idled or under-utilized and whose re-use, growth, enhancement or redevelopment is complicated by real or perceived adverse environmental conditions due to contamination by hazardous substances, solid waste, or any other pollutant;

(ii) "Enhanced capital investment" means a business investment in real property, tangible personal property or computer software owned or leased in this state valued in accordance with generally accepted accounting principles. An enhanced capital investment shall be deemed

to have been made as of the date of payment or the date the taxpayer enters into a legally binding commitment or contract for purchase or construction;

(iii) "Investment period" means a period not to exceed five (5) years from the filing of the business plan related to the required capital investment, during which the required capital investment must be made;

(iv) "Non-prime agricultural property" means real property included within the United States Department of Agriculture land capability classification Classes IV, V, VI, VII and VIII; and

(v) "Qualified development project" means a project consisting of a capital investment of at least twenty-five million dollars (\$25,000,000), utilizing at least five (5) acres of Brownfield property, or non-prime agricultural property as provided in subdivision (10)(F), and having a business plan approved by the commissioner of economic and community development in accordance with the applicable provisions of subdivision (10)(F).

(C) The credit allowed pursuant to this subdivision (10) may be taken on any franchise and excise tax return but shall not exceed fifty percent (50%) of the combined franchise and excise tax liability shown by the return before the credit is taken.

(D) Except as provided in subdivision (10)(G), a credit authorized under this subdivision may be used in the tax year it is authorized or in any tax year thereafter and any used credit may be carried forward; provided that the credit, or any unused amount remaining, shall expire fifteen (15) tax years from the tax year in which the credit was authorized.

(E) If the taxpayer makes an enhanced capital investment equal to or in excess of two hundred million dollars (\$200,000,000) during the investment period for the qualified development project, the credit allowed in subdivision

(10)(A) shall be equal to seventy-five percent (75%) of the purchase price of the Brownfield property or non-prime agricultural property purchased in Tennessee for the purpose of the project.

(F)

(i) The taxpayer shall file a business plan for the development project with the commissioner of economic and community development in order to qualify for the credit provided in subdivision (10)(A) or the enhanced credit provided in subdivision (10)(E).

(ii) For purposes of the enhanced credit, the business plan shall be filed on or before the last day of the first fiscal year in which the investment is made and shall describe the enhanced capital investment.

(iii) Qualifying plans shall be approved by the commissioner of economic and community development. At such time, an approval letter authorizing the credit, the value of the credit and the terms of the credit shall be issued. A copy of the approval letter shall be filed by the taxpayer with the department of revenue in any year in which the taxpayer utilizes the credit.

(iv) The commissioner of economic and community development has the authority to conduct audits or require the filing of additional information necessary to substantiate or adjust the findings contained within the business plan and to determine that the taxpayer has complied with all statutory requirements so as to be entitled to the credit in this subdivision (10).

(G) The enhanced credit provided in subdivision (10)(E) shall begin to apply in the first year of the investment period as provided in the business plan; however, if the enhanced capital investment is not met during the investment period, the taxpayer shall be subject to an assessment equal to the amount of

any credit taken under this subdivision (10) for which the taxpayer failed to qualify, plus interest.

(H) The aggregate amount of the credits allowed to all taxpayers under this subdivision (10) shall not exceed ten million dollars (\$10,000,000) in any one (1) tax year; provided that in any tax year in which it is determined that credits remain available, the commissioner of economic and community development may, in consultation with the commissioner of agriculture, open availability to qualified development projects utilizing non-prime agricultural property. Credits for projects utilizing non-prime agricultural property shall be issued in the same manner and under the same terms as credits allowed for projects utilizing Brownfield property except that all business plans for such projects shall be approved by the commissioner of agriculture in addition to the commissioner of economic and community development.

(I) Notwithstanding any provision of this subdivision (10) to the contrary, no credit shall be allowed unless the commissioner of economic and community development determines, in the commissioner's sole discretion, that the credit is in the best interest of the state. For purposes of this subdivision, "best interest of the state" means a determination by the commissioner of economic and community development that the project is a result of the credit provided in this subdivision.

Amendment No. 4 to SB3901

**Henry
Signature of Sponsor**

AMEND Senate Bill No. 3901*

House Bill No. 3787

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, title 67, chapter 6, part 3, is amended by adding the following language as a new section:

Section 67-6-396.

(a)

(1) There is exempt from the tax imposed by this chapter the following items of tangible personal property if sold to a natural person receiving disaster assistance through the Federal Emergency Management Agency (FEMA), and if sold between 12:01 a.m. on the fifth calendar day following the effective date of this section and 11:59 p.m. on September 30, 2010:

(A) Major appliances; and

(B) Residential building supplies.

(2) All appliances or supplies sold under this exemption shall be utilized in such person's primary residence for the purposes of restoration, repair, replacement or rebuilding due to disaster damage occurring between May 1, 2010 and May 8, 2010.

(b) For the purposes of this section, unless the context otherwise requires:

(1) "Major appliances" means water heaters, dishwashers, washers, dryers, refrigerators, freezers, stoves/ranges/ovens/cooktops,

microwaves, vacuums and fans; provided that the sales price per item is three thousand two hundred dollars (\$3,200) or less; and

(2) "Residential building supplies" means cleaning and disinfecting materials as determined by the department, trash bags, boxes, construction tools and hardware as determined by the department, sheetrock, insulation, paint and paint materials as determined by the department; provided that the sales price per item is five hundred dollars (\$500) or less.

(c) The department shall develop guidelines for individuals and dealers as to eligible appliances, eligible supplies and acceptable proof of disaster relief for use of the exemption. All such guidelines shall be posted on the web site of the department.

(d) The department may assess a civil penalty not to exceed ten thousand dollars (\$10,000) for each violation of subdivision (a)(2).

(e) It is the intent of the general assembly to appropriate a sum sufficient for the purpose of this exemption from the reserve for revenue fluctuations in the general appropriations act.

(f) The provisions of this section shall take effect upon becoming law, the public welfare requiring it.

Amendment No. 5 to SB3901

**Henry
Signature of Sponsor**

AMEND Senate Bill No. 3901*

House Bill No. 3787

by adding the following language as new subsection (c) to the amendatory language of Section 67-6-396 as added by the unnumbered Section to the bill in draft no. 18696 and by relettering subsequent subsections accordingly:

(c)

(1)

(A) There is exempt from the tax imposed by this chapter all sales of residential furniture if sold to a natural person receiving disaster assistance through the Federal Emergency Management Agency (FEMA), and if sold between 12:01 a.m. on the fifth calendar day following the effective date of this section and 11:59 p.m. on September 30, 2010.

(B) All residential furniture sold under this exemption shall be utilized in such person's primary residence for the purpose of replacement due to disaster damage occurring between May 1, 2010 and May 8, 2010.

(2) For the purposes of this section, "residential furniture" means furniture commonly used in a residential dwelling as determined by the department; provided that the sales price per item is three thousand two hundred dollars (\$3,200) or less.

(3) The department shall develop guidelines for individuals and dealers as to eligible residential furniture and acceptable proof of disaster relief for use of the exemption. All such guidelines shall be posted on the web site of the department.

(4) The department may assess a civil penalty not to exceed ten thousand dollars (\$10,000) for each violation of this subsection.

Amendment No. 1 to SB0131

**Crowe
Signature of Sponsor**

AMEND Senate Bill No. 131

House Bill No. 193*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding Sections 2 and 3 as a new, appropriately designated part:

SECTION 2. As used in this part, the term “utility” means any person, municipality, county, metropolitan government, cooperative, board, commission, district, or any entity created or authorized by public act, private act, or general law to provide electricity for sale to consumers in any particular service area.

SECTION 3. A utility or authorized employee of a utility shall be absolutely immune from liability for acts and omissions of such authorized employee within the scope of the employee’s duties involving the operation of a main circuit breaker, disconnect switch or any other on/off electrical switch during the installation or removal of the utility’s electric meter at a person’s residence so long as the employee has complied with the regulations established by the utility concerning such operation; provided, that such immunity shall not apply if the acts or omissions of the employee were grossly negligent, willful, malicious, or criminal.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB0131

Ketron
Signature of Sponsor

AMEND Senate Bill No. 131

House Bill No. 193*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding the following language as a new, appropriately designated chapter.

§ 7-90-101. This chapter shall be known and may be cited as the "Medical School Authorities Act of 2010."

§ 7-90-102.

(a) It is hereby found and determined that:

(1) There is and is expected to be in the future a shortage of physicians, particularly primary care physicians in the State and the existing medical schools in the State are not presently able to graduate a sufficient number of physicians to avoid this shortage;

(2) The creation of additional medical school facilities in the State will help mitigate the existing and expected shortage of physicians in this State;

(3) The existence of a medical school facility within or adjacent to a municipality helps promote the quality of health care in that municipality and is a significant contributor to the economic growth of such municipalities;

(4) It is in the best interests of the State to permit municipalities, as defined herein, to facilitate the creation of medical schools within their jurisdiction or within jurisdictions adjacent to their jurisdiction; and

(5) It is in the best interests of the State to permit the creation of medical school authorities, created by one (1) or more municipalities, to promote the creation of medical schools within their jurisdiction.

(b) It is the purpose of this chapter to address these findings by providing for the establishment of authorities to plan, finance, construct, acquire, renovate, equip and enlarge educational facilities to be used for education of physicians, including educational buildings and all facilities related thereto. The primary purpose of any and all such facilities shall be the education of physicians.

(c) This chapter shall be liberally construed in conformity with its purpose.

§ 7-90-103. As used in this chapter, unless the context otherwise requires:

(1) “Authority” or “medical school authority” means any public corporation organized pursuant to the provisions of this chapter;

(2) “Bio-medical research facility” means a facility that engages in the study of biological processes and diseases with the ultimate goal of developing effective treatments and cures;

(3) “Bonds” or “revenue bonds” means bonds, notes, interim certificates or other obligations of an authority issued pursuant to this chapter, or pursuant to any other law, as supplemented by, or in conjunction with, this chapter;

(4) “Cost”, as applied to any project, means and includes the cost of acquisition or construction, the cost of labor, materials, and equipment, the cost of all lands, property rights, easements and franchises required; financing charges, interest and debt service prior to and during construction and up to one (1) year thereafter; costs of plans and specifications, services and estimates of costs and of revenues; costs of engineering and legal services; all expenses necessary or incident to determining the feasibility or practicability of such acquisitions or constructions; and administrative, legal and engineering expenses and such other expenses as may be necessary or incident to the acquisition or construction or the financing authorized in this chapter;

(5) “Dental school” means an educational facility created and operated as part of a program that grants the degree of doctor of dental surgery or doctor of dental medicine to the graduates of such educational facility;

(6) "Governing body" means the body in which the general legislative powers of a municipality are vested, and in the case of counties means the legislative body of any county;

(7) "Graduate medical education" means the period of didactic and clinical education in a medical specialty or subspecialty which follows the completion of a recognized undergraduate medical education and which prepares physicians for the independent practice of medicine in that specialty or subspecialty, also referred to as residency education;

(8) "Medical school" means an educational facility created and operated as part of a program that grants the degree of doctor of medicine to the graduates of such educational facility or provides graduate medical education;

(9) "Municipality" means any county, metropolitan government or incorporated city or town in this state located in a county having a population of not less than one-hundred fifty thousand (150,000) according to the 2000 federal census or any subsequent federal census and which, at time of the creation of the authority, does not have a medical school granting the degree of doctor of medicine within the county;

(10) "Project" means any facilities or group of facilities to be used for a medical school, dental school, and biomedical research facility; or to offer nursing degree programs or allied health profession degree programs; and also includes, but is not limited to, roads, streets, utility services, such as water, sanitary sewer, electricity, gas and natural gas, and telecommunications that are constructed, leased, equipped, renovated or acquired as a supporting system or facility for any of the purposes set forth in this chapter; provided, that any such supporting system or facility is dedicated for public use;

(11) "Revenues" of a project means all revenues derived from and on account of a project, directly or indirectly, and any revenues paid, contributed or pledged to an authority by the state or a municipality pursuant to law, agreement or otherwise; and

(12) "State" means the State of Tennessee and, unless otherwise indicated by the context, any agency, authority, branch, bureau, commission, corporation, department or instrumentality of the state, now or hereafter existing.

§ 7-90-104. Any number of natural persons, not fewer than three (3), each of whom are duly qualified voters of the municipality, may file with the governing body of the municipality an application in writing seeking permission to apply for the incorporation of a medical school authority of such municipality. If the governing body, by appropriate resolution duly adopted, finds and determines that it is wise, expedient, necessary or advisable that the authority be formed, authorizes the persons making such application to proceed to form such authority and approves the form of corporate charter proposed to be used in organizing the authority, then the persons making such application shall execute, acknowledge and file a charter for the authority as provided in § 7-90-106. No authority may be formed unless such application has first been filed with the governing body of the municipality and the governing body has adopted a resolution as provided in this section.

§ 7-90-105.

(a) The charter shall set forth:

(1) The names and residences of the applicants, together with a recital that each of them is a voter in the municipality;

(2) The name of the authority, which shall contain the words "medical school authority";

(3) A recital that permission to organize the authority has been granted by resolution duly adopted by the governing body of the municipality and the date of the adoption of such resolution;

(4) The location of the principal office of the authority;

(5) The purposes for which the authority is proposed to be organized;

(6) The number of directors of the authority;

(7) The period, which may be perpetual, for the duration of the authority;

(8) A provision addressing conflicts of interest of members of the boards of directors of the medical school authority; and

(9) Any other matter that the applicants may choose to insert in the charter that is not inconsistent with this chapter or with the laws of the state.

(b) The charter shall be subscribed and acknowledged by each of the applicants.

§ 7-90-106. When executed and acknowledged in conformity with § 7-90-105, the charter shall be filed with the secretary of state. The secretary of state shall examine the charter and, if the secretary of state finds that the recitals contained in the charter are correct, that the requirements of § 7-90-104 have been complied with, and that the name is not identical with or so nearly similar to that of another authority already in existence in this state as to lead to confusion and uncertainty, the secretary of state shall approve the charter and accept it for filing. When such charter has been so made, filed and approved, the authority shall constitute a public corporation under the name set out in the charter.

§ 7-90-107. The charter may, at any time and from time to time, be amended in a manner not inconsistent with § 7-90-105. Any such amendment shall be adopted in the following manner: the board of directors of the authority shall file with the governing body of the municipality with which the application for the creation of the authority was filed an application in writing seeking permission to amend the charter, setting forth the proposed amendment to be made. If that sovereign body, by appropriate resolution, finds and determines that it is wise, expedient, necessary or advisable that the proposed amendment be made and authorizes the amendment to be made, approving the form of the proposed amendment, then the chair of the board of directors of the authority shall execute an instrument embodying the amendment, and shall file the amendment with the secretary of state. The secretary of state shall examine the proposed amendment and, if the secretary of state finds that the requirements of this section have been complied with, the secretary of state shall approve the amendment and accept it for filing in an appropriate book in the office of the secretary of state. When such amendment has been so made, filed and approved, it shall become effective.

§ 7-90-108.

(a)

(1) The authority shall have a board of directors in which all corporate powers of the authority shall be vested. The board shall consist of no fewer than seven (7) directors, all of whom shall be duly qualified voters of the municipality. A director shall serve without compensation, except that the authority may reimburse a director for actual expenses incurred in the performance of a director's duties. A director may not be an elected official or employee of the municipality. The directors shall have staggered terms.

(2) The initial board of directors shall be divided into three (3) groups containing substantially equal numbers. The initial term of the directors included in the first group shall be two (2) years; the initial term of the directors included in the second group shall be four (4) years; the initial term of the directors included in the third group shall be six (6) years. All subsequent terms of directors shall be six (6) years; provided, that if at the expiration of any term of office of any director a successor has not been appointed, the director whose term of office has expired shall continue to hold office until the director's successor is appointed.

(3) In the case of authorities created pursuant to the approval of two (2) or more municipalities acting jointly, as provided in § 7-90-120, the number of directors appointed by the governing body of each municipality shall be as nearly equal as practicable, and members appointed by one (1) municipality need not be approved by the other creating municipalities unless the charter of the authority provides otherwise.

(4) The governing body of the municipality shall appoint all directors. At the initial appointment, the governing body shall designate which directors serve an initial term of two (2), four (4) and six (6) years, respectively.

(5) If a vacancy occurs in the position of director, the vacancy shall be filled in the same manner as the original term for the remainder of the unexpired term.

(b) The directors shall meet and organize and shall elect one (1) of its members as chair, one (1) as vice chair, one (1) as secretary, and one (1) as treasurer, and such offices shall annually be filled in like manner. The duties of secretary and treasurer may be performed by the same director. In the event of the resignation or death of the chair, vice chair, secretary or treasurer, another member may be elected to fill the vacancy for the anticipated term of the chair, vice chair, secretary or treasurer.

(c) Any meeting of the board of directors for any purpose whatsoever shall be open to the public. Any action taken by the directors under the provisions of this chapter may be authorized by resolution at any regular or special meeting. A majority of the board shall constitute a quorum for the transaction of business. The concurring vote of a majority of the directors voting at a meeting at which a quorum is present shall be necessary for the exercise of any of the powers granted by this chapter.

§ 7-90-109. Each medical school authority created pursuant to this chapter shall be a public nonprofit corporation and a public instrumentality of the municipality with respect to which the authority is organized. The authority shall have the following powers, together with all powers incidental to the following powers or necessary for the performance of those powers, to:

(1) Have succession by its corporate name for the period specified in the charter, unless sooner dissolved as provided in § 7-90-119;

(2) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(3) Have and use a corporate seal and alter the seal at pleasure;

(4) Acquire, whether by purchase, construction, exchange, gift, lease, or otherwise, and design, plan, site, improve, repair, extend, equip, furnish, operate and maintain one (1) or more projects, which projects shall be within at least one (1) of the municipalities with respect to which the authority shall have been created, including all

real and personal properties that the board of directors of the authority may deem necessary in connection with the projects and regardless of whether or not any such projects shall then be in existence, and including the power to demolish such existing structures as may be on sites acquired when such structures are not needed for the project;

(5) To appoint officers, agents and employees, describe their qualifications and fix their compensation;

(6) Operate, maintain, manage, and enter into contracts for the operation, maintenance and management of any project undertaken, and to make rules and regulations with regard to such operation, maintenance and management. Without limiting the forgoing, any authority may enter into a contract for the management of any project upon the same terms as a municipality would be permitted to enter into an operating agreement under Title 6 for a public works project, provided, however, that in no event shall any of the net earnings from a project inure to the benefit of a private entity and provided further that such manager is a non-profit educational institution. The forgoing sentence shall not be construed to prevent an authority from awarding a bonus to a manager of a project under the terms of a management contract based upon the quality of the manager's services;

(7) To enter into contracts for the operation, maintenance and management of any project undertaken, and to make rules and regulations with regard to such operation, maintenance and management upon the same terms as a municipality would be permitted to enter into an operating agreement under Title 6 for a public works project, provided, however, that in no event shall any of the net earnings from a project inure to the benefit of a private entity and provided further that such manager is a non-profit educational institution. The forgoing sentence shall not be construed to prevent an authority from awarding a bonus to a manager of a project under the terms of a management contract based upon the quality of the manager's services;

(8) Employ, contract with, fix the compensation of, and discharge engineering, architectural, legal, financial and other professional experts, consultants, agents and employees as may be necessary to carry out the purposes of this chapter and to provide for the proper construction, operation and maintenance of any project;

(9) Lease, rent and contract for the operation of all or any part of any project, and charge and collect rent for the project and terminate any such lease upon the failure of the lessee to comply with any of the obligations of the lease; and include in or exclude from any such lease provisions that the lessee shall have the option to renew the term of the lease for such period or periods and at such rent as shall be determined by the board of directors;

(10) Lease such space in a project as from time to time may not be needed for related purposes to any other person, corporation, partnership or association for such purposes as the board of directors may determine are in the best interest of the authority or will help facilitate the purposes for which the authority was created, and upon such terms and in such manner as the board may determine;

(11) Fix and collect fees and charges for the use of any and all of the projects of the authority;

(12) To make contracts, including without limitation contracts with facility users and service providers;

(13) Sell, exchange, donate, and convey any or all of its properties, whenever the board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;

(14) Procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the authority in the performance of the duties of such person's office or employment or any other insurable risk, as the board of directors, in its discretion, may deem necessary;

(15) Accept donations, contributions, revenues, capital grants or gifts from any individuals, associations, public or private corporations, and municipalities, the state or the United States, or any agency or instrumentality of the state or the United States, for or in aid of any of the purposes of this chapter and enter into agreements in connection with the donations, contributions, revenues, capital grants or gifts;

(16) Obtain such licenses, permits, approvals and accreditations as the authority deems necessary in connection with any project;

(17) Borrow money from time to time and, in evidence of any obligation incurred, issue and sell its bonds in accordance with the provisions of this chapter, in such form and upon such terms as its board of directors may determine and as approved by the governing body of the creating municipality, payable out of any revenues of the authority, including grants or contributions or other revenues specifically provided to the authority or as is otherwise provided for herein with respect to a guaranty from a municipality, for the purpose of financing the cost of any project; refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the board of directors; and, pending the issuance of its bonds for the purposes in this chapter authorized, issue its interim certificates or notes or other temporary obligations;

(18) Mortgage and pledge as security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection with the bonds, any or all of the projects or any part or parts of the projects, whether then owned or thereafter acquired; and

(19) Exercise all powers expressly given in its charter and establish bylaws and make all rules and regulations not inconsistent with the charter or the provisions of this chapter, deemed expedient for the management of the affairs of the authority.

§ 7-90-110.

(a) The board of directors of each authority shall cause an annual audit to be made of the books and records of its authority. The comptroller of the treasury, through the department of audit shall be responsible for determining that such audits are

prepared in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller of the treasury.

(b) Such audits shall be prepared by certified public accountants or by the department of audit. In the event the governing body of the authority shall fail or refuse to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant, or direct the department of audit, to prepare the audit, the cost of such audit to be paid by the authority.

(c) Each authority shall prepare an annual report of its business affairs and transactions. A copy of such report shall be filed with the municipality granting permission to the authority to organize.

§ 7-90-111.

(a) For the purpose of aiding and cooperating with an authority, the municipality authorizing such authority may assign or loan any of its employees, including its engineering staff and facilities, and may provide necessary office space, equipment, and other facilities for the use of such authority, as the governing body of such municipality shall approve.

(b) The governing body of such municipality may make donations of property, real or personal, or cash grants to the authority, in such amount or amounts as it may deem proper and appropriate in aiding the authority to accomplish its purpose.

(c) Any municipality creating an authority may convey real property or personal property to the authority and may include a provision in such conveyance for the reversion of such property to the transferor at such time as all revenue bonds or other obligations of the authority incident to the real property so conveyed shall have been paid in full, and any authority created pursuant to this chapter is authorized to accept such a conveyance.

§ 7-90-112.

(a) The authority shall have power and is authorized to issue its bonds in order to finance:

(1) The costs of any project;

(2) The payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses;

(3) Reimbursement of the authority for moneys previously spent by the authority for any of the foregoing purposes; and

(4) The establishment of reasonable reserves for the payment of debt service on such bonds, for repair and replacement of any project, or for such other purposes as the board shall deem necessary and proper in connection with the issuance of any bonds and operation of any project for the benefit of which the financing is being undertaken.

(b) The authority shall have the power and is hereby authorized to issue its bonds to refund and refinance outstanding bonds of the authority heretofore or hereafter issued or lawfully assumed by the authority. The proceeds of the sale of the bonds may be applied to:

(1) The payment of the principal amount of the bonds being refunded and refinanced;

(2) The payment of the redemption or tender premium thereon, if any;

(3) The payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) The payment of fees or other charges incident to the termination of any interest rate hedging agreements, liquidity or credit facilities, or other agreements related to the bonds being refunded and refinanced;

(5) The payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(6) The payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses, and the costs of refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee and escrow agent fees in connection with any escrow, and accounting, legal and other professional fees in connection therewith; and

(7) The establishment of reserves for the purposes set forth in subdivision (a)(4) above.

Refunding bonds may be issued to refinance and refund more than one (1) issue of outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. Refunding bonds may be issued jointly with other refunding bonds or other bonds of the authority. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) No bonds shall be issued hereunder unless authorized to be issued or assumed by resolution of the board of directors of the authority, and approved by resolution of the governing body of the municipality. Bonds authorized to be issued hereunder may be issued in one (1) or more series, may bear such date or dates, mature at such time or times, not exceeding forty (40) years from their respective dates,

bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price or prices as the board of directors, or its designee, shall determine. The authority may enter into such agreements in connection with the issuance of any bonds as its board of directors may approve, including without limitation agreements related to municipal bond insurance, credit or liquidity facility agreements, remarketing agreements and bond purchase agreements.

(d) Bonds may be repurchased by the authority out of any available funds at such price as the board of directors shall determine, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board may determine.

(e) Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchasers of bonds.

(f)

(1) With respect to all or any portion of any issue of bonds issued hereunder, at any time during the term of the bonds, and upon receipt of a report of the comptroller of the treasury or the comptroller's designee finding that the contracts and agreements authorized in this subsection are in compliance with the guidelines, rules or regulations adopted or promulgated by the state funding board, as set forth in § 9-21-130, the authority, by resolution of the board of directors, may authorize and enter into interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements under such terms and conditions as the board of directors may determine, including, without limitation, provisions permitting the authority to pay to, or receive from, any person or entity any loss of

benefits under such agreement upon early termination thereof or default under such agreement.

(2) The authority may enter into an agreement to sell bonds (other than its refunding bonds) under this act providing for delivery of its bonds on a date greater than ninety (90) days and not greater than five (5) years (or such greater period of time if approved by the comptroller of the treasury or the comptroller's designee), from the date of execution of such agreement or to sell its refunding bonds providing for delivery thereof on a date greater than ninety (90) days from the date of execution of the agreement and not greater than the first optional redemption date on which the bonds being refunded can be optionally redeemed resulting in cost savings or at par, whichever is earlier, only upon receipt of a report of the comptroller of the treasury or the comptroller's designee finding that the agreement or contract of the authority to sell its bonds as authorized in this subsection is in compliance with the guidelines, rules or regulations adopted or promulgated by the state funding board in accordance with the provisions of § 9-21-130. Agreements to sell bonds and refunding bonds for delivery ninety (90) days or less from the date of execution of the agreement do not require a report of the comptroller of the treasury or the comptroller's designee.

(3) Prior to the adoption by the board of a resolution authorizing a contract or agreement described in subdivision (1) or (2), a request shall be submitted to the comptroller of the treasury or the comptroller's designee for a report finding that such contract or agreement is in compliance with the guidelines, rules or regulations of the state funding board. Within fifteen (15) days of receipt of the request, the comptroller of the treasury or the comptroller's designee shall determine whether the contract or agreement substantially complies with the guidelines, rules or regulations and shall report thereon to the authority. If the report of the comptroller of the treasury or the comptroller's designee finds that the contract or agreement complies with the guidelines, rules

or regulations of the state funding board or the comptroller of the treasury shall fail to report within the fifteen-day period, then the authority may take such action with respect to the proposed contract or agreement as it deems advisable in accordance with the provisions of this section and the guidelines, rules or regulations of the state funding board. If the report of the comptroller of the treasury or the comptroller's designee finds that such contract or agreement is not in compliance with the guidelines, rules or regulations, then the authority is not authorized to enter into such contract or agreement. The guidelines, rules or regulations shall provide for an appeal process upon a determination of noncompliance.

(4) When entering into any contracts or agreements facilitating the issuance and sale of bonds, including contracts or agreements providing for liquidity and credit enhancement and reimbursement agreements relating thereto, interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, other interest rate hedging agreements, and agreements with the purchaser of the bonds, evidencing a transaction bearing a reasonable relationship to this state and also to another state or nation, the authority may agree in the written contract or agreement that the rights and remedies of the parties thereto shall be governed by the laws of this state or the laws of such other state or nation; provided, that jurisdiction over the authority shall lie solely in the courts of the county in which the municipality forming the authority is located.

(g)

(1) All bonds issued by the authority shall be payable solely out of the revenue and receipts derived from any projects, or of any portion of projects owned, operated or leased to or from the authority, as may be designated by the board of directors of the authority, or from any revenues to be derived directly or indirectly by the authority from such projects or from any revenues derived

directly or indirectly by the authority from the allocation, transfer, contribution or pledge of tax revenues of any nature by the state or a municipality having taxing power or any other revenues or collections of the state or a municipality.

(2) The principal of and interest on any bonds issued by the authority shall be secured, as may be designated by the board of directors of the authority, by a pledge of revenues and receipts of the authority described in subdivision (g)(1), by a pledge of the authority's rights under agreements, leases and other contracts, or by a mortgage or deed of trust covering all or any part of the projects from which the revenues or receipts so pledged may be derived. The proceedings under which the bonds are authorized to be issued and any such pledge agreement or mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered by the bonds, the fixing and collection of rents for any portions of projects leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions of this chapter. Each pledge, agreement, or mortgage or deed of trust made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the pledge, agreement, or mortgage or deed of trust were made shall have been fully paid. In the event of default in such payment or in any agreement of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage or deed of trust executed as security for the bonds, such payment or agreement may be enforced by suit mandamus, the appointment of a receiver in equity or by foreclosure of any such mortgage or deed of trust, or any one (1) or more of such remedies.

(h) The authority may issue interim certificates, bond anticipation notes or other temporary obligations pending the issuance of its revenue bonds, which such temporary

obligations shall be payable out of revenues and receipts of the authority in like manner as such revenue bonds and shall be retired from the proceeds of such bonds upon the issuance of the revenue bonds, and shall be in such form and contain such terms, conditions and provisions consistent with the provisions of this chapter as the board of directors may determine.

(i) Bonds and notes of the authority shall be executed in the name of the authority by such officers of the authority and in such manner as the board of directors may direct, and shall be sealed with the corporate seal of the authority. If so provided in the proceedings authorizing the bonds, the facsimile signature of any of the officers executing such bonds and a facsimile of the corporate seal of the authority may appear on the bonds in lieu of the manual signature of such officer and the manual impress of such seal.

(j) Any bonds and notes of the authority may be sold at public or private sale, for such price and in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all expenses, premiums and commissions that its board of directors may deem necessary or advantageous in connection with the issuance of the bonds.

§ 7-90-113. The authority is hereby declared to be performing a public function in behalf of the municipality with respect to which it is organized and to be a public instrumentality of such municipality. Accordingly, the authority and all properties at any time owned by it and the income from the properties and all bonds issued by the authority and the income from the bonds, shall be exempt from all taxation in the state. Also, for purposes of the Tennessee Securities Act of 1980, compiled in Title 48, Chapter 2, Part 1, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the state.

§ 7-90-114.

(a) Except to the extent of any revenues that may be specifically allocated, transferred, contributed or pledged by a municipality in accordance with the provisions of

this chapter and except as provided in subsection (b), no municipality shall in any event be liable for the payment of the principal of or interest on any bonds of the authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever that may be undertaken by the authority, and none of the bonds of the authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the municipality within the meaning of any constitutional or statutory provision whatsoever.

(b)

(1) The governing body of a municipality or municipalities with respect to which the authority has been created may, by resolution, pledge the full faith and credit and unlimited taxing power of the municipality as guarantor to the payment of the principal or premium, if any, and interest on bonds of an authority, the purchase price of any such bonds subject to optional or mandatory tender for purchase, or the reimbursement or repayment to any bank or financial institution under any agreement providing for any draw, borrowing, advance or payment to be made for the payment of such principal, premium, interest or purchase price or the payment of amounts payable under any interest rate exchange agreement.

(2) Prior to any meeting where such guarantee will be considered by the governing body of the municipality, a notice shall be published at least five (5) days in advance of such meeting in a newspaper of general circulation within the municipality, describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability proposed to be undertaken by the municipality.

(3) In the event of any such pledge of the full faith and credit and unlimited taxing power of the municipality, any holder or holders of the bonds, including a trustee or trustees for holders of such bonds, any financial institution providing any agreement on the payment of principal, premium, interest, purchase price on such bonds or any party to any interest rate exchange

agreement with respect to such bonds shall have the right, in addition to all other rights, by mandamus or other suit, action, or proceeding in any court of competent jurisdiction, to enforce such person's rights against the municipality so pledging, and the governing body of such municipality and any officer, agent, or employee of such municipality, including, but not limited to, the right to require the municipality and governing body and any proper officer, agent, or employee of the municipality to assess, levy, and collect taxes and other revenues and charges adequate to carry out any agreement as to, or pledge of, such taxes, revenues, and charges. The taxes authorized to be pledged in this subdivision (b)(3) shall be levied without limit as to rate or amount upon all taxable property within the municipality, and all such taxes to be levied are hereby declared to have been levied for county and corporation purposes, respectively, within the meaning of Article II, Section 29 of the Constitution of Tennessee.

§ 7-90-115.

(a) Any municipality is authorized to aid or otherwise provide assistance to an authority created pursuant to the provisions of this chapter by such municipality, including entering into leases of projects, or parts of projects with an authority, for such term or terms and upon such conditions as may be determined by the governing body of such municipality, notwithstanding and without regard to the restrictions, prohibitions, or requirements of any other law, whether public or private, or granting, contributing or pledging revenues of the municipality to or for the benefit of the authority derived from any source.

(b) The governing body of any municipality, by resolution, may designate the authority to be the recipient of funds of the state or the municipality, when such funds are allocated or directed for use in connection with the construction, improvement, financing or operation of facilities. The municipality may take such actions as may be necessary to cause any such funds to be paid to the authority, and the municipality and the

authority may enter into any and all agreements as may be necessary to provide for the payment of the authority's bonds out of such funds, as described in § 7-90-112(g).

(c) The governing body of any municipality, by resolution, may cause any departments, instrumentalities or organizations formed by the municipality to be joined with and into the authority, and may take such steps as may be necessary to cause the assets, liabilities and operations of any such organizations to be transferred to the authority.

§ 7-90-116. Except as otherwise provided in this chapter, all leases, contracts, deeds of conveyance, or instruments in writing executed by the authority, shall be executed in the name of the authority by the chair or secretary of the authority, or by such other officers as the board of directors, by resolution, may direct, and the seal of the authority may be affixed to such instruments.

§ 7-90-117. The authority shall be a public nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the board of directors shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority, including reserves for the expenses, bonds and other obligations, any net earnings of the authority thereafter accruing may be used to provide a reserve for depreciation of any project or projects undertaken by such authority, in an amount determined by the board of directors to be necessary and reasonable, and net earnings available thereafter shall be paid to the municipality with respect to which the authority was organized; provided, that nothing contained in this section shall prevent the board of directors from transferring all or any part of its properties in accordance with the terms of any lease entered into by the authority.

§ 7-90-118. If the board of directors of an authority or the governing body of the creating municipality by resolution determines that the purposes for which the authority was formed have been substantially accomplished and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, then the members of the board of directors or the executive officers of the municipality, as the case may be, shall thereupon execute and file for

record in the office of the secretary of state a certificate of dissolution, reciting such facts and declaring the authority to be dissolved. Such certificate of dissolution shall be executed under the seal of the authority. Upon the filing of such certificate of dissolution, the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the municipality with respect to which the authority was organized, and possession of such funds and properties shall forthwith be delivered to such municipality.

§ 7-90-119.

(a) The powers conferred upon authorities created under this chapter may be exercised by two (2) or more such authorities acting jointly.

(b) Two (2) or more municipalities may, by acting jointly, incorporate a medical school authority to effectuate the purposes of this chapter. When two (2) or more municipalities incorporate such an authority, each and every requisite pertaining to the application for incorporation, qualification of applicants, charter and amendment of charter shall, as nearly as may be practicable, be incumbent in like manner upon each municipality joining in the creation of such authority.

§ 7-90-120. Any municipality may acquire a project site by gift, purchase or lease, or exercise of the power of eminent domain, and may transfer any project site to an authority by sale, lease or gift. Such transfer may be authorized by a resolution of the governing body of the municipality without submission of the question to the voters, and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law.

§ 7-90-121. This chapter shall not be construed as a restriction or limitation upon any powers that an authority, as a public corporation, might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the organization of the authority or the issuance of any bonds or any instrument as security for the bonds, except as provided in this chapter, any other law to the contrary notwithstanding; provided, that nothing in this chapter shall be construed to deprive the state and its governmental subdivisions of their respective police powers over properties of the

authority, or to impair any power over properties of the authority of any official or agency of the state and its governmental subdivisions that may be otherwise provided by law. Projects may be acquired, purchased, constructed, reconstructed, improved, bettered and extended, and bonds may be issued under this chapter for such purposes, notwithstanding that any other general, special or local law may provide for the acquisition, purchase, construction, reconstruction, improvement, betterment and extension of a like project, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Amendment No. 3 to SB0131

McNally
Signature of Sponsor

AMEND Senate Bill No. 131

House Bill No. 193*

by adding the following language as a new, appropriately designated subdivision of § 7-90-103 of the amendatory language of Section 1 of the bill as amended:

() "THEC" means the Tennessee higher education commission;

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 1 of the bill:

§ 7-90-122.

(a)

(1) No state bonds shall be issued nor state funds expended by or on behalf of a medical school authority for a proposed project under this chapter unless THEC, upon review of the proposed educational program, specifically approves the program for the purposes of state bonding or state funding. The program shall not be approved for state bonding or state funding unless THEC finds that such program is consistent with the purposes of this chapter as expressed by the general assembly in § 7-90-102 and that such program is in the best interests of the state both educationally and economically. In considering the program for such approval, THEC shall evaluate whether:

(A) The program conflicts with the master plan for public higher education developed pursuant to § 49-7-202(c)(1);

(B) The program is unnecessarily duplicative of other programs offered within the region of Tennessee for which the project is proposed;

(C) There are sufficient potential students in the region or who would be attracted to the region to justify and maintain the operation of the educational program;

(D) The market demand for potential graduates of the program is sufficient to support the number of graduates produced; and

(E) The resources available in the region can sustain the program.

In making its decision, THEC may also consider other circumstances that are unique to the proposed educational program it is evaluating.

(2) THEC approval is not required under this subsection, if the proposed project and educational program will be funded exclusively with non-state funding and without the issuance of state bonds.

(b) The comptroller of the treasury or the comptroller's designee shall not approve a state bond issue under § 7-90-112(f) until the comptroller or the comptroller's designee has received and examined the approval of the associated educational program by THEC pursuant to subsection (a).

(c) All state funds to be expended for a project of a medical school authority shall be specifically appropriated by reference to such project in the general appropriations act and such funds shall only be expended in accordance with the provisions of such act.

Amendment No. 4 to SB0131

McNally
Signature of Sponsor

AMEND Senate Bill No. 131

House Bill No. 193*

by deleting subdivision (9) in § 7-90-103 in Section 1 of the bill as amended and substituting instead the following:

(9) "Municipality" means any county, metropolitan government or incorporated city or town in this state located in a county having a population of not less than one-hundred fifty thousand (150,000) according to the 2000 federal census or any subsequent federal census and which, at time of the receipt of an application, does not have a medical school with a degree granting program similar to the medical or allied medical education program or programs described in such application within the county;

AND FURTHER AMEND by adding the following appropriately designated subdivision to § 7-90-103 in Section 1 of the bill as amended:

() "Medical or allied medical education program" means a nursing degree program or allied health profession degree program;

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 1 of the bill as amended:

§ 70-90-123

(a) Notwithstanding any language in this part to the contrary, subsequent to receipt by an authority formed pursuant to the provisions of this part of a request for issuance of debt by the authority, but prior to acting upon any inducement or commitment to issue debt, the authority shall, with respect to each request, make an application to the THEC for a feasibility study relative to the need for the proposed medical or allied medical education program described in the application and the ability of the borrower to pay the principal, interest and costs of issuance of the debt to be

incurred. The commission shall develop a policy specifying any information, documents or data that will be required in making an application required by this section, which shall include, but not be limited to:

(1) The type of medical or allied medical education program that will be offered, to include the specific degree or degrees to be awarded;

(2) The anticipated number of students to be served by the proposed project for each degree being offered;

(3) Documents and blueprints related to the facility to house the proposed medical or allied medical education program;

(4) A copy of any known feasibility study or studies related to the proposed project;

(5) Information to ensure that the program will not negatively impact an existing institution in the state or region of the same or similar type or with the same or similar mission;

(6) A copy of the business plan for operation of the medical or allied medical education program to include assurances that it will be self-sustaining and an understanding that it will not seek nor obtain state appropriations;

(7) Assurances that such institution will seek and attain appropriate programmatic and institutional accreditations;

(8) A detailed description of how the proposed medical education institution fits into the state's higher education master plan along with any relevant supporting information and documentation pertaining to the project; and

(9) Such other information pertaining to the proposed fiscal operations of the proposed program, and the proposed terms of the financing.

(b) The commission shall have the authority to contract with another entity to perform the feasibility study required by this section, the cost of which shall be the sole responsibility of the authority or the municipality or municipalities creating the authority.

(c) A copy of the feasibility study shall be furnished to the division of local finance in the office of the comptroller of the treasury which shall furnish to the authority written comments on the structure of the proposed debt financing and, if the division desires to do so, comments on the borrower's ability to repay the debt.

(d) The authority may not approve the project, or the issuance of debt in connection therewith, unless and until the authority receives from the commission a written feasibility study performed pursuant to this section which finds that the borrower has the ability to pay the principal, interest and costs of issuance of the debt to be incurred.

§ 70-90-124.

Notwithstanding any other language in this part to the contrary, if the proposed project is for use by a public institution of higher learning, then such project shall be subject to the capital outlay priority policies of the respective higher education governing board with respect to such public institution and also such policies of the THEC.

Amendment No. _____

5 to SB0131

Signature of Sponsor

AMEND Senate Bill No. 131

House Bill No. 193*

by deleting subdivision (9) in § 7-90-103 in Section 1 of the bill as amended and substituting instead the following:

(9) "Municipality" means any county, metropolitan government or incorporated city or town in this state located in a county having a population of not less than one-hundred fifty thousand (150,000) according to the 2000 federal census or any subsequent federal census and which, at time of the receipt of an application, does not have a medical school with a degree granting program similar to the medical or allied medical education program or programs described in such application within the county; AND FURTHER AMEND by adding the following appropriately designated subdivision to § 7-90-103 in Section 1 of the bill as amended:

() "Medical or allied medical education program" means a nursing degree program or allied health profession degree program; AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 1 of the bill as amended:

§ 7-90-123

(a) Notwithstanding any language in this part to the contrary, subsequent to receipt by an authority formed pursuant to the provisions of this part of a request for issuance of debt by the authority, but prior to acting upon any inducement or commitment to issue debt, the authority shall, with respect to each request, make an application to the THEC for a feasibility study relative to the need for the proposed medical or allied medical education program described in the application and the ability of the borrower to pay the principal, interest and costs of issuance of the debt to be incurred. The commission shall develop a policy specifying any information, documents

or data that will be required in making an application required by this section, which shall include, but not be limited to:

(1) The type of medical or allied medical education program that will be offered, to include the specific degree or degrees to be awarded;

(2) The anticipated number of students to be served by the proposed project for each degree being offered;

(3) Documents and blueprints related to the facility to house the proposed medical or allied medical education program;

(4) A copy of any known feasibility study or studies related to the proposed project;

(5) Information to ensure that the program will not negatively impact an existing institution in the state or region of the same or similar type or with the same or similar mission;

(6) A copy of the business plan for operation of the medical or allied medical education program to include assurances that it will be self-sustaining and an understanding that it will not seek nor obtain state appropriations;

(7) Assurances that such institution will seek and attain appropriate programmatic and institutional accreditations;

(8) A detailed description of how the proposed medical education institution fits into the state's higher education master plan along with any relevant supporting information and documentation pertaining to the project; and

(9) Such other information pertaining to the proposed fiscal operations of the proposed program, and the proposed terms of the financing.

(b) The commission shall have the authority to contract with another entity to perform the feasibility study required by this part, the cost of which shall be the sole responsibility of the authority or the municipality or municipalities creating the authority.

(c) A copy of the feasibility study shall be furnished to the comptroller of the treasury which shall furnish to the authority written comments on the structure of the

proposed debt financing and, if the comptroller of the treasury desires to do so, comments on the borrower's ability to repay the debt.

(d) The authority may not approve the project, or the issuance of debt in connection therewith, unless and until the authority receives from the commission a written feasibility study performed pursuant to this section which finds that the borrower has the ability to pay the principal, interest and costs of issuance of the debt to be incurred.

§ 7-90-124.

Notwithstanding any other language in this part to the contrary, if the proposed project is for use by a public institution of higher learning, then such project shall be subject to the capital outlay priority policies of the respective higher education governing board with respect to such public institution and also such policies of the THEC.

AND FURTHER AMEND by deleting the following language from subsection (a) in § 7-90-122 in Section 1 of the bill as amended:

In making its decision, THEC may also consider other circumstances that are unique to the proposed educational program it is evaluating.

any by substituting instead the following language:

In making its decision, THEC may also consider other criteria found in § 7-90-123(a).

AND FURTHER AMEND by adding the following new subdivision (a)(3) to § 7-90-122 in Section 1 of the bill as amended:

(a)

(3) THEC shall have the authority to contract with another entity to perform the evaluation required by this part, the cost of which shall be the sole responsibility of the authority or the municipality or municipalities creating the authority.

Amendment No. 6 to SB0131

**Finney L
Signature of Sponsor**

AMEND Senate Bill No. 131

House Bill No. 193*

by deleting subdivision (9) in § 7-90-103 in Section 1 of the bill as amended and substituting instead the following:

(9) "Municipality" means any county, metropolitan government or incorporated city or town in this state located in a county having a population of not less than ninety-one thousand eight hundred (91,800) nor more than ninety-one thousand nine hundred (91,900), or any county having a population of not less than one-hundred fifty thousand (150,000), according to the 2000 federal census or any subsequent federal census and which, at time of the receipt of an application, does not have a medical school with a degree granting program similar to the medical or allied medical education program or programs described in such application within the county;

Amendment No. 7 to SB0131

**Faulk
Signature of Sponsor**

AMEND Senate Bill No. 131

House Bill No. 193*

by deleting subsection (d) in § 7-90-123 in Section 1 of the bill as amended and substituting instead the following:

(d) The authority may not approve the project, or the issuance of debt in connection therewith, unless and until the authority receives from the commission a written feasibility study performed pursuant to this section which finds that the borrower has the ability to pay the principal, interest and costs of issuance of the debt to be incurred and which finds feasibility in compliance with the factors in subsection (a) of this section.

Amendment No. 1 to SB0132

Ketron
Signature of Sponsor

AMEND Senate Bill No. 132

House Bill No. 192*

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-6-106, is amended by deleting such section in its entirety and substituting instead the following:

8-6-106.

(a) Following consultation with the attorney general and reporter, if the governor determines the interest of the state requires employment of additional counsel to the attorney general and reporter or district attorney general, or special counsel in lieu of the attorney general and reporter, then the governor shall employ such counsel.

(b) Any counsel employed pursuant to subsection (a) shall be paid compensation for services as the governor, secretary of state, and attorney general and reporter may deem just, the same to be paid out of any money in the treasury not otherwise appropriated, upon the certificate of such officers certifying the amount to the commissioner of finance and administration.

(c) Notwithstanding any provision of this section or any other law to the contrary, the attorney general and reporter or district attorney general shall inform the governor of, and consideration shall be given to, whether the person or firm to be employed as additional or special counsel:

(1) In defending the state in any action is currently serving as counsel for a party in any action by that party against the state and whether the action, if adjudicated in that party's favor, is likely to result in an increase in state expenditures; or

(2) In prosecuting any action on behalf of the state is currently serving as counsel in defense of any action against the state.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB0274

Ketron
Signature of Sponsor

AMEND Senate Bill No. 274*

House Bill No. 499

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-101(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Limited service restaurant as defined in § 57-4-102, wherein such is authorized under § 57-4-103;

SECTION 2. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following language as a new, appropriately designated subdivision:

() "Limited service restaurant" means a facility possessing each of the following characteristics:

(A) Is a public place which has a seating capacity for at least forty (40) patrons and that is kept, used, maintained, advertised and held out to the public as a place where during regular hours of operation:

(i) Alcoholic beverages, beer or wine are served to patrons;

(ii) A menu of prepared food is made available to patrons;

(iii) The gross revenue from the sale of prepared food is fifty percent (50%) or less. For purposes of determining the gross revenue from the sale of prepared food, chips, popcorn, pretzels, peanuts and similar snack items shall not be included in gross revenue from the sale of prepared food sold;

(iv) The facility affirmatively establishes, to the satisfaction of the commission, that it has complied and will comply with the requirements of § 57-4-204;

(v) The facility provides adequate security during the regular hours of operation; and

(vi) Sleeping accommodations are not provided;

(B) Is located within the jurisdictional boundaries of a political subdivision which has authorized the sale of alcoholic beverages for consumption on the premises as provided in § 57-4-103; and

(C) Is located in an area which is properly zoned for facilities authorized to sell alcoholic beverages for consumption on the premises.

SECTION 3. Tennessee Code Annotated, Section 57-4-102(27)(A), is amended by deleting the language “and if the serving of meals is the principal business conducted each day the restaurant is open;” and by substituting instead the language “and more than fifty percent (50%) of the gross revenue of the restaurant is generated from the serving of meals;”.

SECTION 4. Tennessee Code Annotated, Section 57-4-301(b)(1), is amended by adding the following language as a new subdivision (V):

(V) Limited service restaurant, based on the gross sales of prepared food:

(i) at least 30% but not more than 50% of gross sales
\$2,000.00

(ii) at least 20% but not more than 30% of gross sales
\$3,000.00

(iii) at least 15% but not more than 20% of gross sales
\$4,000.00

SECTION 5. Tennessee Code Annotated, Section 57-4-201(b), is amended by adding the following language as a new, appropriately designated subdivision:

()

(A) If a license has been issued to an establishment as a restaurant pursuant to § 57-4-102, and such licensee desires to exchange its license as a restaurant for a license as a limited service restaurant, the commission may issue the establishment a license as a limited service restaurant in accordance with the provisions of this act upon filing a complete application, submitting to an inspection by the alcoholic beverage commission that demonstrates that the applicant meets the requirements of a limited service restaurant, paying the application fee required pursuant to § 57-4-301(b)(1) and, if approved, paying the license fee in accordance with § 57-4-301(b)(1)(V). It is the intent that on-premises licenses permitting the sale of alcoholic beverages as restaurants shall not be required to fulfill any other requirements in order to be issued a license to serve alcoholic beverages as a limited service restaurant.

(B) Should the commission find that any restaurant fails to satisfy the requirements of § 57-4-102(27)(A) but would otherwise qualify as a limited service restaurant, such establishment shall be permitted thirty (30) days following such finding to elect to exchange its license for a limited service restaurant license upon paying to the commission a new application fee and the prorated difference between its restaurant license fee and the license fee required pursuant to § 57-4-301(b)(1)(V).

(C) For purposes of exchanging a restaurant license as a limited service restaurant license, if the licensee had been issued a license by the alcoholic beverage commission as a restaurant, the initial license fee shall be based on the percentage of gross sales the establishment generated from the service of meals during the year previous to the year the license as a limited service restaurant is requested.

(D) If a license is requested by an applicant who does not hold an existing license as a restaurant, it shall be a rebuttable presumption that the amount of gross sales from prepared food will be at least fifteen percent (15%) but not more than twenty percent (20%).

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB0274

Ketron
Signature of Sponsor

AMEND Senate Bill No. 274*

House Bill No. 499

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

If, a smaller city located in a county having a population in excess of five hundred (500,000), according to the 2000 federal census or any subsequent federal census retained its charter when the metropolitan form of government was adopted in such county; and

If, such city later by action of its governing body abolishes its charter and by such action becomes a part of the general services district of such county having a metropolitan form of government; and

If, while the charter of such smaller city was in existence, licenses were issued for the retail sale of alcoholic beverages for off the premises consumption;

Then:

Notwithstanding any provision of the charter of such metropolitan government to the contrary, licenses may continued to be issued for the retail sale of alcoholic beverages for off the premises consumption for those stores which were located within the municipal boundaries of the city while the charter was in force even though, once the charter is abolished, such area will be designated as being included in the general services district of such county.

Amendment No. 1 to SB0954

Tracy
Signature of Sponsor

AMEND Senate Bill No. 954*

House Bill No. 1323

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 17, is amended by adding the following language as a new part:

§ 55-17-301. As used in this part, unless the context otherwise requires:

(1) "Adapted vehicle" means a new or used motor vehicle especially designed or modified for use by an aging or disabled person;

(2) "Automotive mobility dealer" means any motor vehicle dealer who:

(A) Exclusively engages in the business of selling, offering to sell, or soliciting or advertising the sale of adapted vehicles;

(B) Possesses adapted vehicles exclusively for the purpose of resale, either on his or her own account or on behalf of another, as his or her primary business; or

(C) Engages in the business of selling, installing, or servicing; offering to sell, install, or service; or soliciting or advertising the sale, installation, or servicing of equipment or modifications specifically designed to facilitate use or operation of a motor vehicle by an aging or disabled person; and

(3) "Mobility equipment" means equipment specifically designed to facilitate the use of a motor vehicle by an aging or disabled person.

§ 55-17-302.

(a) Any person, prior to engaging or continuing in the business of an automotive mobility dealer after March 1, 2011, shall obtain an automotive mobility dealer license from the commission.

(b)

(1) An automotive mobility dealer shall be licensed and regulated by the commission under the provisions of this chapter.

(2) The commission shall, by administrative regulations promulgated hereunder in accordance with Tennessee Code Annotated, Title 4, Chapter 5., establish requirements for initial application for and renewal of a license to be an automotive mobility dealer. The commission's regulations establishing requirements for automotive mobility dealers shall include provisions for automotive mobility dealers to meet reasonable and appropriate quality assurance requirements. Such requirements may include:

(A) Appropriate training by automotive mobility dealers regarding adapted vehicle usage;

(B) Driver evaluation by automotive mobility dealers; and

(C) A requirement that automotive mobility dealers obtain and maintain insurance in an amount to be established by the commission.

(3) The commission shall have the power to promulgate any other regulations that are necessary to implement this part, including denial, suspension or revocation of an automotive mobility dealer's license. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

(4) The commission shall, after notice and hearing, revoke the license of an automotive mobility dealer if it determines that the dealer has sold or modified a vehicle that does not comply with this section or any administrative regulations promulgated thereunder. A dealer whose license is revoked under this subsection (b) shall be permitted to appeal the revocation in accordance with part 1 of this chapter.

(5) An automotive mobility dealer's license may be denied, suspended or revoked for any violation of § 55-17-114.

(c) A licensed automotive mobility dealer shall have the right to display, demonstrate, inventory, advertise and offer for sale adapted vehicles.

§ 55-17-303.

(a) No more than two (2) new untitled motor vehicles of a specific line make may be consigned by a franchised motor vehicle dealer to an automotive mobility dealer.

(b) Any retail sale of a new untitled motor vehicle must be accomplished by the consigning franchised dealer.

(c) A licensed franchise motor vehicle dealer shall not be required to obtain an automotive mobility dealer license to display, advertise, offer for sale or sell adapted motor vehicles.

SECTION 2. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect March 1, 2011, the public welfare requiring it.

Amendment No. 2 to SB0954

**Ketron
Signature of Sponsor**

AMEND Senate Bill No. 954*

House Bill No. 1323

by deleting Section 2 of the bill as amended and by substituting instead the following language:

SECTION 2. For purposes of rulemaking, Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, Section 1 of this act shall take effect March 1, 2011, the public welfare requiring it.

AND FURTHER AMEND by adding the following language immediately after Section 2 of the bill as amended:

SECTION 3. Tennessee Code Annotated, 55-18-101, is amended by deleting the present language in its entirety and by substituting instead the following:

“Automobile club or association,” as used in this chapter, means any individual or entity, who in consideration of fees, dues, periodic payments, or other specifically stated charges, promises its members to provide automobile club services.

SECTION 4. Tennessee Code Annotated, 55-18-102, is amended by deleting the present language in its entirety and by substituting instead the following language:

As used in this chapter, unless the context otherwise requires:

(1) “Automobile club service” is the rendering or procuring of, or reimbursement for, service that may be provided to a member related to travel and the operation, use and maintenance of a motor vehicle, including, but not limited to:

- (A) Bail bond service;
- (B) Buying and selling service;
- (C) Discount service;
- (D) Emergency road service;
- (E) Financial service;
- (F) Insurance service;

- (G) Legal service;
- (H) Map service;
- (I) Theft service;
- (J) Touring service;
- (K) Towing service;
- (L) Trip interruption service, and
- (M) Other services as may be authorized by the commissioner;

(2) "Bail bond service" means any act by an automobile club or association the purpose of which is to furnish to, or procure for, any person accused of violation of any law of this state, a cash deposit, bond or other undertaking required by law in order that the accused might enjoy personal freedom pending trial;

(4) "Buying and selling service" means any act by an automobile club or association whereby the member of any automobile club or association is aided in any way in the purchase or sale of an automobile or the purchase or sale of any accessories or equipment related to automobiles or travel, or any purchase of travel services;

(5) "Commissioner" means the commissioner of commerce and insurance;

(6) "Discount service" means any act by an automobile club or association resulting in the giving of special discounts, rebates or reductions of price on gasoline, oil, repairs, parts, accessories or service for motor vehicles or other goods and services, to members of any automobile club or association;

(7) "Emergency road service" means any act by an automobile club or association consisting of the fuel delivery, extrication, lockout service, repair, replacement or other adjustment of the equipment, tires or mechanical parts of an automobile so as to permit it to be operated under its own power;

(8) "Financial service" means any act by an automobile club or association whereby loans or other financial services such as stored value cards, deposit products, or advances of money, with or without security, are made or provided to or arranged for members of any automobile club association;

(9) "Insurance service" means the selling or giving by an automobile club or association to a member, of a policy of accident insurance covering liability or loss by a member as the result of death or personal injury or loss of or damage to the personal property of the member, or the selling of a hospital indemnity policy. The commissioner shall have the discretion to approve other services under this part if the feature, benefit or service is obtained by the automobile club or association from an insurance company in this state;

(10) "Legal service" means any act by an automobile club or association consisting of the hiring, retaining, engaging or appointing of an attorney or other person to give professional advice to, or represent, a member of any automobile club or association, in any court, as the result of liability incurred by the right of action accruing to the member as a result of the ownership, operation, use or maintenance of a motor vehicle;

(11) "Map service" means any act by an automobile club or association by which road maps are furnished with or without cost to members of any automobile club or association;

(12) "Other services" means additional services furnished by an automobile club or association which augment or are incidental to any service performed by the automobile club or association as authorized under the provisions of this chapter or any other service which is of assistance and is beneficial to its members and is feasible for the automobile club to render; provided, that such service is authorized by the commissioner;

(13) "Theft service" means any act by an automobile club or association the purpose of which is to locate, identify or recover a motor vehicle owned or controlled by a member of any automobile club or association, which has been, or may be, stolen or to detect or apprehend the person guilty of the theft;

(14) "Trip interruption service" means the provision of or reimbursement for travel expenses, including food, lodging, and transportation to the member's intended

destination if the member's motor vehicle is stolen or is rendered inoperable due to an accident, theft, or mechanical breakdown;

(15) "Touring service" shall include any act by an automobile club or association by which touring information is furnished with or without cost to members of any automobile club or association or the making of arrangements or reservations for lodging or the travel space, discounts for accommodations or vehicle rental, procurement of tickets or permits for travel to any place in the world for a member of any automobile club or association; and

(16) "Towing service" means any act by an automobile club or association consisting of the drafting or moving of a motor vehicle from one (1) place to another under other than its own power.

SECTION 5. Tennessee Code Annotated, 55-18-103, is amended by deleting the present language in its entirety and by substituting instead the following:

(a) The commissioner has full and complete authority to grant certificates of authorization to automobile clubs and associations, to revoke or suspend the certificates in accordance with the Uniform Administrative Procedures Act, to promulgate rules and regulations, and to determine other services an automobile club or association may provide to its members.

(b) In determining if a certificate of authorization shall be issued, the commissioner shall take into consideration, together with all other factors, the name of the automobile club or association and, if the name will interfere with the transactions of an automobile club or association already doing business in this state or is so similar to one already appropriated as to confuse or is likely to mislead the public in any respect, the commissioner shall refuse to issue a certificate of authorization.

(c) The commissioner also has the authority to conduct hearings and to promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, §§ 4-5-101, et seq., for the administration of this chapter.

SECTION 6. Tennessee Code Annotated, 55-18-105(a), is amended by deleting “Within thirty (30) days after July 15, 2001” and by substituting instead “Annually”.

SECTION 7. Tennessee Code Annotated, Section 55-18-106, is amended by deleting such section in its entirety and by substituting instead the following:

Section 55-18-106. Before any agent or representative may sell, solicit or negotiate membership in an automobile club or association in Tennessee, the agent or representative shall first apply to the commissioner for a license, and the commissioner shall have the full power and authority to issue the license upon proof satisfactory to the commissioner that the person is capable of soliciting automobile club or association memberships, and is of good moral character and recommended by the club or association in behalf of which the membership solicitations are made. No license shall be issued by the commissioner until the applicant has paid to the commissioner an annual license fee of twenty dollars (\$20.00).

SECTION 8. Tennessee Code Annotated, 55-18-107, is amended by substituting “or entity” for “, firm, association, copartnership, corporation, company or other organization” wherever such language appears.

SECTION 9. Sections 3 through 8 inclusive of this act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB1916

Johnson
Signature of Sponsor

AMEND Senate Bill No. 1916*

House Bill No. 1420

by deleting in Section 8 of the printed bill subsection (b) in its entirety and by substituting instead the following:

(b) This part shall not be construed to prevent or to affect the practice of any profession or trade related to soil science for which a license or registration is required under any other law of this state when such work is permitted under the applicable licensing or registration law.

Amendment No. 2 to SB1916

Johnson
Signature of Sponsor

AMEND Senate Bill No. 1916*

House Bill No. 1420

by deleting in its entirety Section 4(1) in the printed bill and by renumbering subsequent subdivisions accordingly.

AND FURTHER AMEND by deleting the word "board" wherever it appears in Section 5(6) and (8), Section 9(a) and (b), Section 10, Section 12, Section 13, Section 14, Section 16, Section 18, and Section 20 in the printed bill and by substituting instead the word "commissioner".

AND FURTHER AMEND by deleting the date "January 1, 2010" in Section 5(4); Section 9(a)(3), (b)(1), and (b)(4); and in Section 23 and by substituting instead "July 1, 2011".

AND FURTHER AMEND by deleting in its entirety Section 8(b) in the printed bill and by substituting instead the following:

(b) This part shall not be construed to prevent or to affect the practice of any profession or trade related to soil science for which a license or registration is required under any other law of this state when such work is permitted under the applicable licensing or registration law.

AND FURTHER AMEND by deleting the language "professional soil scientist prior to January 1, 2010," in Section 9(b) in the printed bill and by substituting instead the language "professional soil scientist prior to July 1, 2011,".

AND FURTHER AMEND by adding the following language to the end of Section 10(a):

The commissioner shall consider and may implement all reasonable operating cost reductions suggested by the advisory committee in calculating any recurring or nonrecurring fees or additional charges to licensed professional soil scientists.

AND FURTHER AMEND by deleting in its entirety Section 11 in the printed bill and by substituting instead the following:

SECTION 11.

(a) The commissioner may appoint, at appropriate times, a five (5) member advisory committee, also referred to as the "SSAC", for any purpose necessary to implement the provisions of this part, including, without limitation, rulemaking.

(b) The SSAC shall be administratively attached to the division of regulatory boards.

(c) Advisory committee members shall receive no compensation, nor be entitled to be reimbursed for actual travel and other expenses incurred in attending any meeting and in performing any duties prescribed by the commissioner.

AND FURTHER AMEND by deleting in its entirety Section 15 in the printed bill and by substituting instead the following language:

SECTION 15. A roster showing the names and places of business of all licensed soil scientists shall be prepared by the commissioner each year. Copies of this roster shall be placed on file with the secretary of state and furnished to any licensee upon request, free of charge, or to the public upon request and payment of a fee, not to exceed actual cost, to be established by the commissioner.

AND FURTHER AMEND by deleting in its entirety Section 18(f) in the printed bill.

AND FURTHER AMEND by adding the following new section to precede the effective date section:

SECTION _____. The soil scientist advisory committee, created by Section 11 of this act, shall terminate on June 30, 2011, pursuant to the provisions of § 4-29-118, unless continued by the general assembly.

Amendment No. 3 to SB1916

McNally
Signature of Sponsor

AMEND Senate Bill No. 1916*

House Bill No. 1420

by deleting Section 21 of the printed bill in its entirety and by substituting instead the following:

SECTION 21. Tennessee Code Annotated, Section 68-221-409, is amended by deleting the section in its entirety and by substituting instead the following:

§ 68-221-409

(a) Any person proposing to construct, alter, extend or repair subsurface sewage disposal systems, or engage in the business of removing accumulated wastes from such systems, shall secure a permit from the commissioner, in accordance with this part and rules and regulations promulgated pursuant to this part.

(b) If the permit of an installer of subsurface sewage disposal systems has been suspended or revoked after January 1, 2006, or if the department denies an application for renewal of a permit after January 1, 2006, and the permit is later reinstated or the installer later applies for a new permit, then to be eligible to receive such reinstated or new permit, the installer shall file with the commissioner a performance bond, or an irrevocable letter of credit, in the amount of thirty thousand dollars (\$30,000), for the benefit of any person who hires the installer and is damaged because of any negligence or fraud by the installer. Any person so damaged may sue directly on the bond without assignment of the bond. Liability under any such bond may not exceed, in the aggregate, the amount of the bond. If the bond of such installer later ceases to be in effect, the permit of the installer shall become null and void, subject to reinstatement, if a new bond is provided.

Amendment No. 1 to SB2431

Watson
Signature of Sponsor

AMEND Senate Bill No. 2431*

House Bill No. 2609

by deleting SECTION 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Private investigation and polygraph commission, created pursuant to § 62-26-301;

AND FURTHER AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION 3. Tennessee Code Annotated, Section 62-26-301, is amended by adding the following language as a new subsection (d) and by redesignating present subsection (d) as subsection (e):

(d) No person registered as a lobbyist pursuant to title 3, chapter 6, shall be appointed to serve as a member of the commission after July 1, 2010.

Amendment No. 2 to SB2431

Watson
Signature of Sponsor

AMEND Senate Bill No. 2431*

House Bill No. 2609

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (32) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Private investigation and polygraph commission, created pursuant to § 62-26-301;

SECTION 3. Tennessee Code Annotated, Section 62-26-301(c)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) Of the remaining two (2) members of the commission, one (1) member shall be a polygraph examiner licensed pursuant to chapter 27 of this title and one (1) member shall be a person who is not engaged in or conducting the business of or acting in the capacity of a private investigator or polygraph examiner, and who has no commercial or professional association with the private investigation or polygraph examiner professions or industries, either directly or indirectly.

SECTION 4. Tennessee Code Annotated, Section 62-26-301, is further amended by adding the following new language as a new subsection (d) and by redesignating present subsection (d) as subsection (e):

(d)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the commission as of July 1, 2010 and to persons appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the

Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION 5. The provision of this act prohibiting a member who is not engaged in the practice of private investigating or polygraph examining, and who has no direct or indirect affiliation with the private investigation or polygraph examiner professions or industries from serving on the commission shall apply to all member appointments made to the commission after July 1, 2010.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2433

Watson
Signature of Sponsor

AMEND Senate Bill No. 2433*

House Bill No. 2614

by deleting SECTION 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Real estate appraiser commission, created by § 62-39-201;

AND FURTHER AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION 3. Tennessee Code Annotated, Section 62-39-201, is amended by adding the following language as a new subsection (e) and by redesignating present subsection (e) and all other subsequent subsections accordingly:

(e) In addition to all other requirements for membership on the commission:

(1) No person registered as a lobbyist pursuant to title 3, chapter 6, shall be appointed to serve as a member of the commission after July 1, 2010; and

(2) All persons appointed to serve as members of the commission after July 1, 2010, shall be residents of this state.

Amendment No. 2 to SB2433

Watson
Signature of Sponsor

AMEND Senate Bill No. 2433*

House Bill No. 2614

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (35) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Real estate appraiser commission, created by § 62-39-201;

SECTION 3. Tennessee Code Annotated, Section 62-39-201(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) The commission shall consist of nine (9) members, two (2) of whom shall be public members, one (1) of whom shall be a full-time educator of appraisal-related education within the state's universities, colleges and junior colleges. The public member who is a full-time educator of appraisal-related education shall have no commercial or professional association with the real estate appraiser profession or industry, either directly or indirectly, other than what is required for such member's employment as an educator. The public member who is not a full-time educator of appraisal-related education within the state's universities, colleges and junior colleges shall have no commercial or professional association with the real estate appraiser profession or industry, either directly or indirectly.

SECTION 4. Tennessee Code Annotated, Section 62-39-201, is further amended by inserting the following new sections immediately preceding subsection (e) and by redesignating the subsequent subsections accordingly:

(e)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the commission as of July 1, 2010 and to persons appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(f) In addition to all other requirements for membership on the commission, all persons appointed or otherwise named to serve as members of the commission after July 1, 2010, shall be residents of this state.

SECTION 5. Tennessee Code Annotated, Section 62-39-201, is further amended by deleting present subsection (g) in its entirety.

SECTION 6. The provision of this act which prohibits public members having any commercial or professional association with the real estate appraiser profession or industry from serving on the commission shall apply to all member appointments made to the commission after July 1, 2010.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2434

Watson
Signature of Sponsor

AMEND Senate Bill No. 2434*

House Bill No. 2613

by deleting SECTION 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Real estate commission, created by § 62-13-201;

AND FURTHER AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION 3. Tennessee Code Annotated, Section 62-13-201, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Each of the remaining two (2) members of the commission shall be a person who has no direct or indirect affiliation with the real estate profession or industry.

SECTION 4. Tennessee Code Annotated, Section 62-13-201, is amended by adding the following language as a new subsection (d) and by redesignating present subsection (d) as subsection (e):

(d) In addition to all other requirements for membership on the commission, no person registered as a lobbyist pursuant to title 3, chapter 6, shall be appointed to serve on the commission after July 1, 2010.

Amendment No. 2 to SB2434

Watson
Signature of Sponsor

AMEND Senate Bill No. 2434*

House Bill No. 2613

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (36) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Real estate commission, created by § 62-13-201;

SECTION 3. Tennessee Code Annotated, Section 62-13-201, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Each of the remaining two (2) members of the commission shall be a person who is not engaged in, conducting the business of, or acting in the capacity of a real estate broker or affiliate broker, either directly or indirectly. The two (2) remaining members shall also be prohibited from directly or indirectly engaging in or otherwise being affiliated with the business of real estate financing or development.

SECTION 4. Tennessee Code Annotated, Section 62-13-201, is further amended by inserting the following new section immediately preceding subsection (d) and by redesignating the subsequent subsection accordingly:

(d)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall

terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the commission as of July 1, 2010 and to persons appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics

commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION 5. The provisions of this act which prohibit the two remaining members of the commission from being indirectly engaged in, indirectly conducting the business of, or indirectly acting in the capacity of a real estate broker or affiliate broker, and which prohibit such members from being indirectly engaged in the business of real estate financing or development shall apply to all member appointments made to the commission after July 1, 2010.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2436

Watson
Signature of Sponsor

AMEND Senate Bill No. 2436*

House Bill No. 2611

by deleting SECTION 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Tennessee auctioneer commission, created by § 62-19-104;

AND FURTHER AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION 3. Tennessee Code Annotated, Section 62-19-104, is amended by adding the following as a new subdivision at the end of subsection (b):

(4) In addition to all other requirements for membership on the commission:

(A) No person registered as a lobbyist pursuant to title 3, chapter 6, shall be appointed to serve as a member of the commission after July 1, 2010; and

(B) All persons appointed to serve as members of the commission after July 1, 2010, shall be residents of this state.

Amendment No. 2 to SB2436

Watson
Signature of Sponsor

AMEND Senate Bill No. 2436*

House Bill No. 2611

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (46) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Tennessee auctioneer commission, created by § 62-19-104;

SECTION 3. Tennessee Code Annotated, Section 62-19-104(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) One (1) member of the commission shall not be engaged in the auction business. The member shall be at least thirty (30) years of age and of good moral character and shall be appointed from the state at large. Such member shall have no commercial or professional association with the auction profession or industry, either directly or indirectly.

SECTION 4. Tennessee Code Annotated, Section 62-19-104, is further amended by inserting the following new sections immediately preceding subsection (d) and by redesignating the subsequent subsections accordingly:

(d)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall

terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the commission as of July 1, 2010 and to persons appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics

commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(e) In addition to all other requirements for membership on the commission, all persons appointed or otherwise named to serve as members of the commission after July 1, 2010, shall be residents of this state.

SECTION 5. The provision of this act which prohibits a member with an indirect association with the auction profession or industry from serving on the commission shall apply to all member appointments made to the commission after July 1, 2010.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2508

Ketron
Signature of Sponsor

AMEND Senate Bill No. 2508

House Bill No. 2485*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 22, Part 4, is amended by adding the following as a new section:

Section 41-24-413.

(a)

(1) It is the intent of the general assembly, as stated §41-22-403

(2)(B), that TRICOR has as part of its mission to offset the costs of incarceration by generating revenue through the sale of products in lieu of state appropriated funds.

(2) It is further the intent of the general assembly, as set out in § 41-22-406 (a)(1)(A), that the TRICOR board be as free as possible to operate its facilities and to pursue its mission with the principles of free enterprise and that it be given the powers necessary to effectively carry out its mission.

(b) Notwithstanding any other provision of law to the contrary, the TRICOR board, within the principles of free enterprise, and for the purpose of carrying out its legislative intent as stated in subsection (a) of this section, is specifically authorized to sell, as surplus property, TRICOR equipment and TRICOR raw materials which have been determined by TRICOR to be obsolete, outmoded, or no longer useable by TRICOR. Such surplus property sales may be made to businesses, government or nonprofit organizations or by auction to the public. The TRICOR board may obtain the advice and assistance of the commissioner of general services and, in circumstances which are advantageous

for the timely disposal of such surplus property, is encouraged to dispose of it through the department under the provisions of title 12, chapter 2,.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2621

Gresham
Signature of Sponsor

AMEND Senate Bill No. 2621*

House Bill No. 3200

by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 49-6-4213, is amended by deleting subsection (l) in its entirety and by substituting instead the following:

(l) Each LEA participating in the drug testing of students authorized in subsection (a) of this section shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-4213, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f)

(1) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then the LEA shall notify the parents and guardians of any student participating in voluntary extracurricular activities that such students may be subjected to random drug testing.

(2)

(A) A parent or guardian of a student shall be notified before any drug test is administered to the student.

(B) If a student participating in voluntary extracurricular activities is randomly chosen for drug testing, then written consent shall be received from the student's parent or guardian before the student is tested.

Amendment No. 2 to SB2621

McNally
Signature of Sponsor

AMEND Senate Bill No. 2621*

House Bill No. 3200

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-4213, is amended by deleting subsection (k) in its entirety and by substituting instead the following:

(k)

(1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).

(2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.

(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

Amendment No. 1 to SB2626

Tracy
Signature of Sponsor

AMEND Senate Bill No. 2626*

House Bill No. 2740

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-225, is amended in subsection (e) by designating the present language as new subdivision (1) and by adding the following language as new subdivision (2):

(2) Members of the general assembly are also entitled to request special purpose plates for an additional automobile owned by a former member of the general assembly who represented the same district unless such former member has been convicted in any court of this state, or in any federal court, of a felony arising out of the former member's official capacity as a member of the general assembly. Any such former member shall comply with all applicable state motor vehicle laws, and pay all applicable fees, relating to registration and licensing of motor vehicles. Such additional plates shall be distinguished by the addition of a retired decal and a legend that does not exceed the requirements of this section.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2699

Tracy
Signature of Sponsor

AMEND Senate Bill No. 2699

House Bill No. 2486*

by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-9-405, is amended by deleting subsections (d) and (e) in their entirety and by substituting instead the following language:

(d)

(1) Except as provided in subdivision (2), from one half ($\frac{1}{2}$) hour before sunset to one half ($\frac{1}{2}$) hour after sunrise and at all other times when lights are required to be displayed, there shall be attached to the rearmost extremity of any load that projects four feet (4') or more beyond the rear of the body of the motor vehicle, or at any tailboard or tailgate so projecting, or to the rearmost extremity of any load, carried on a pole trailer, at least one (1) red lamp, securely fastened thereto, which shall be visible from a distance of five hundred feet (500') to the sides and rear under normal atmospheric conditions. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed.

(2) This subsection (d) shall apply only to:

(A) Any non-commercial motor vehicle transporting property intrastate; and

(B) Any commercial motor vehicle having a gross vehicle weight rating (G.V.W.R.) or a gross combination weight rating (G.C.W.R.) of twenty six thousand pounds (26,000 lbs.) or less when such motor vehicle is transporting property intrastate.

(3) The provisions of title 65, chapter 15, and all applicable federal rules shall apply to all commercial vehicles having a gross vehicle weight rating (G.V.W.R.) or a gross combination weight rating (G.C.W.R.) of more than twenty six thousand pounds (26,000 lbs.).

(e) From one half ($\frac{1}{2}$) hour before sunset to one half ($\frac{1}{2}$) hour after sunrise and at all other times when lights are required to be displayed, any motor vehicle or trailer transporting intrastate a load of logs, long pulpwood, poles, or posts that projects four feet (4') or more beyond the rear of the body or bed of such vehicle, when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portions of such highway, shall have securely affixed as close as practical to the end of any such projecting load either:

(1) One (1) amber strobe-type lamp, complying with SAE J595, equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. If the mounting of one (1) amber strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple amber strobe lights, complying with SAE J595, shall be utilized so as to meet the visibility requirements of this subdivision. The amber strobe lamp shall flash at a rate of at least sixty (60) flashes per minute and shall be plainly visible from a distance of at least five hundred feet (500') to the rear and sides at a radius of one hundred eighty degrees (180°) of the projecting load. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed; or

(2) One (1) amber light-emitting diode (LED) light, complying with SAE J595, equipped with a multidirectional type lens, mounted so as to be visible from the rear and from both sides of the projecting load. If the mounting of one (1) amber light-emitting diode (LED) light cannot be accomplished so that it is visible from the rear and from both sides of the projecting load, multiple amber light-emitting diode (LED) lights, complying with SAE J595, shall be utilized so as to

meet the visibility requirements of this subdivision. The amber light-emitting diode (LED) light shall flash at a rate of at least sixty (60) flashes per minute and shall be plainly visible from a distance of at least five hundred feet (500') from the rear and sides at a radius of one hundred eighty degrees (180°) of the projecting load. Any light-emitting diode (LED) light shall be constructed of durable, weather resistant material and may be powered by the vehicle's electrical system or by an independent battery system, or both. If the light-emitting diode (LED) light is powered by an independent battery system, the driver of the vehicle shall have in his or her immediate possession charged, spare batteries for use in case of battery failure. Any solid state light-emitting diode (LED) lighting that consists of multiple light-emitting diode (LED) lights shall not have less than eighty-five percent (85%) of the light-emitting diode (LED) lights in operable condition. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed.

(f) A violation of this section is a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2709

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2709*

House Bill No. 2781

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by adding a new subsection thereto, as follows:

(d) A person convicted of domestic assault may be directed to complete available counseling programs that address violence and control issues, including, but not limited to, batterer's intervention programs certified by the domestic violence state coordinating council or any court-ordered drug or alcohol treatment program. A violation of a protection order or part of such order that directs counseling pursuant to this subsection (d) may be punished as criminal or civil contempt. Section 36-3-610(a) shall apply with respect to a non-lawyer general sessions judge who holds a person in criminal contempt for violating this subsection (d).

SECTION 2. Tennessee Code Annotated, Section 39-13-111(c)(2), is amended by deleting the language "two hundred dollars (\$200)" and by substituting instead the language "two hundred twenty-five dollars (\$225)".

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2809

Johnson
Signature of Sponsor

AMEND Senate Bill No. 2809*

House Bill No. 3259

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-2101(a), is amended by deleting the language "The taxes assessed" and substituting instead the language "Except as provided in § 67-5-2102(a), the taxes assessed".

SECTION 2. Tennessee Code Annotated, Section 67-5-2102(a), is amended by deleting the language "However, there shall be no lien against leased personal property assessed to a lessee." and substituting instead the language "However, there shall be no lien against leased personal property assessed to a lessee, or against equipment as defined in § 47-9-102(a)(33) that is subject to a perfected purchase money security interest."

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB2809

McNally
Signature of Sponsor

AMEND Senate Bill No. 2809*

House Bill No. 3259

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-1805, is amended by deleting the section in its entirety and by substituting instead the following:

§ 67-5-1805.

(a) Any person claiming or owning an undivided interest or part in any property or any specific portion of any property assessed to another shall receive a receipt in full for the person's taxes on paying such portion of the taxes as the person claims of the property or such proportion of the taxes as the person's quantity of the property bears to the whole quantity taxed.

(b) Before issuing a receipt in full on any specific portion of such property, the trustee or other collecting official shall be personally satisfied that the value placed on each portion is a correct relative valuation, either by agreement of the parties in interest or the certificate of the assessor that the trustee or other collecting official has properly fixed the valuation of the portion. This subsection shall apply to all taxes, interest, penalties, and costs that have or may become a lien on any property in the hands of the trustee or other collecting official or of the clerk of court for redemption from any tax sale.

(c) This section shall apply to a secured party only for the purpose of determining the amount of its payment or liability pursuant to § 67-5-2003(h), which shall be as follows:

(1) The personal property taxes to be withheld and paid by a secured party pursuant to § 67-5-2003(h) shall be determined by the valuation of only such personal property that the secured party has sold

pursuant to title 47, chapter 9, and the tax rate or tax rates applicable to the owner of such personal property.

(2) The assessor will determine valuation of such personal property based on its cost to the owner less applicable depreciation pursuant to § 67-5-903. In determining cost to the owner, the assessor shall consider relevant a statement tendered by the secured party that specifies the following: the manufacturer, model, and serial number of the personal property sold, the known or estimated purchase price and year of the owner's purchase of such property, and known or estimated taxes and installation charges. The assessor may also consider such additional information as may be available. A secured party may dispute whether valuation has been correctly determined pursuant to this section by direct appeal to the state board of equalization in the manner provided in § 67-1-1005.

(3) The secured party's payment or liability under § 67-5-2003(h) shall be limited to no more than four (4) tax years, none of which shall be a tax year in which the owner did not own such property on January 1.

(4) In regard to specific personal property and in regard to a specific tax year:

(A) A satisfaction and release of the secured party of any and all liability pursuant to § 67-5-2003(h), and a release of all personal property tax liens, regardless of jurisdiction or taxing authority, shall automatically go into effect upon any of the following:

(i) Payment of all outstanding county and municipal taxes, penalty, and interest pursuant to § 67-5-2003(h), as apportioned, in either the county of the owner's domicile or the county in which the personal property came into the

possession of the secured party, for which payment the secured party shall also receive a receipt in full;

(ii) The secured party's receipt of a writing stating or indicating that as of the calendar year of the sale referred to in § 67-5-2003(h), the owner appears on the tax rolls of either the county of the owner's domicile or the county in which the personal property came into the possession of the secured party and does not owe personal property taxes to such county or to a municipality located within such county; or

(iii) The secured party's receipt of a writing stating or indicating that as of the calendar year of the sale referred to in § 67-5-2003(h), the owner does not appear on the personal property tax rolls in both the county of the owner's domicile and also the county in which the personal property came into the possession of the secured party.

(B) In regard to any county or municipality, the "writing" described in this subdivision (c)(4) means one (1) or more recorded communications including, but not limited to, the following:

(i) A communication from a collecting official or assessor of such county or municipality delivered either in tangible form such as via hand delivery, U.S. mail, or courier, or delivered electronically such as via e-mail or facsimile;

(ii) The recorded results of a search of a publicly available database into which such county or municipality

enters or submits outstanding personal property tax

liability; or

(iii) In the event a secured party sends a written request for information to a collecting official or assessor via U.S. certified mail return receipt requested, and such collecting official or assessor does not send the requested information within fifteen (15) days of the secured party's request, the signed return receipt from such collecting official or assessor, which shall be deemed to contain the content required by § 67-5-1805(c)(4)(A)(ii) (in the case of an assessor) or § 67-5-1805(c)(4)(A)(iii) (in the case of a trustee or other collecting official).

(C) The comptroller of the treasury may prescribe a form for the use of a secured party in requesting a writing under this subdivision (c)(4).

(D) A secured party may not request a writing from an assessor within a county without first receiving a writing from the trustee of such county.

(E) No satisfaction or release as provided in this subdivision (c)(4) shall require payment to or a writing from a municipality located in a county in which the county trustee does not identify the owner as being on the personal property tax rolls of such county or in which the county assessor does not identify the owner as being on the personal property tax rolls of such municipality.

(5) For purposes of this subsection, "owner" shall mean the "individual, partnership, joint venture, corporation or other legal entity" referred to in § 67-5-2003(h).

(6) The application of this section to a secured party, and the mechanisms described in this section, shall be construed as remedial legislation designed to clarify and bring uniformity to existing law regarding the procedure of the apportionment and collection of taxes pursuant to § 67-5-2003(h).

SECTION 2. Tennessee Code Annotated, Section 67-5-2003, is amended by deleting subsection (h) in its entirety and by substituting instead the following:

(h) If any individual, partnership, joint venture, corporation or other legal entity has personal property, tangible or intangible, assessable by the county assessor or other authority, that is sold pursuant to title 47, chapter 9, the party possessing the security interest shall withhold and pay from the proceeds of the sale an amount sufficient to satisfy the personal property taxes assessed under § 67-5-2101 and subject to the provisions of § 67-5-1805. A secured party selling the property who fails to withhold and pay such amount shall be held to be personally liable for such amount to the trustee or other collecting official to which these personal property taxes are due, and any action to enforce the provisions of this subsection must commence against the secured party as a named defendant within four (4) years of the assessment date. Any amount paid by or collected from a secured party pursuant to this subsection shall reduce by that same amount the balance due by the taxpayer to the trustee or other collecting official who has been paid, and such amount shall also become a new obligation of payment by the delinquent taxpayer to the secured party, regardless of contractual limitations to the contrary. The application of § 67-5-1805 to a secured party, and the mechanisms described in this subsection, shall be construed as remedial legislation designed to clarify and bring uniformity to existing law regarding the procedure of the apportionment and collection of taxes pursuant to this subsection.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2835

McNally
Signature of Sponsor

AMEND Senate Bill No. 2835*

House Bill No. 3216

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-103, is amended by adding the following language as a new, appropriately designated subsection:

(o)

(1) As used in this subsection (o), unless the context otherwise requires:

(A) "Best interests of the state" means a determination by the commissioner of revenue, with approval by the commissioner of economic and community development, that:

(i) The public improvements made within or adjacent to a mixed-use development are a result of the special allocation and distribution of state sales tax provided for in this subsection; and

(ii) The mixed-use development is a result of such public improvements.

(B) "Commercial development zone" means an area in which a mixed-use development is planned or located. To comprise a commercial development zone, the area:

(i) Must be located entirely within an eligible county;

(ii) Shall not exceed one thousand two hundred (1,200) acres; and

(iii) Must be located adjacent to a federally designated interstate highway;

(C) "Eligible county" means any county in which:

(i) At least twenty-five percent (25 %) of the county consists of federally-owned land;

(ii) At least thirty and three-fifths percent (30.6%) of the county's population, eighteen (18) years of age and younger, lives in poverty as determined by the United States census bureau, Small Area Income and Poverty Estimates (SAIPE) program, or any comparable successor program, within the three-year period immediately preceding establishment of the commercial development zone; and

(iii) The Federal Highway Administration has approved an interstate exit in close proximity to the area proposed for a commercial development zone, and such approval was based on the need to stimulate local economic development opportunities;

(D) "Mixed-use development" means an area, located entirely within an eligible county, containing not less than five hundred (500) acres nor more than one thousand two hundred (1,200) acres and includes, but is not limited to, property with commercial uses; and

(E) "Public improvements" means roads, streets, sidewalks, utility services, such as electricity, gas, water and sanitary sewer, and related services, parking facilities, parks, and all other necessary or desirable improvements to be used by the public in connection with a commercial development zone.

(2) Notwithstanding the allocations provided for in subsection (a), if an eligible county has good reason to anticipate that a private entity is willing to plan and develop a mixed-use development; and if the commissioner of revenue, with approval by the commissioner of economic and community development, determines that the special allocation of state sales tax, as authorized by this subsection, is in the best interests of the state; then the county legislative body

may adopt a resolution designating a commercial development zone for such mixed-use development; provided, however, no county shall contain more than one (1) commercial development zone; and provided further, however, the county legislative body must adopt such resolution on or before June 30, 2011. If the county legislative body duly adopts such resolution, and if the county or an industrial development board, pursuant to subdivision (o)(3), issues bonds payable in whole or part from the tax revenues described herein and uses the proceeds to finance any development or public improvements constructed within or adjacent to the commercial development zone, then an amount shall be apportioned and distributed to such county for the retirement of debt evidenced by such bonds. The amount apportioned and distributed to the county pursuant to this subsection shall equal the amount of state tax revenue derived under this chapter from sales of items and services subject to tax pursuant to this chapter, if the sales occur within the commercial development zone. The apportionment and distribution of such revenue shall begin upon the receipt of a certificate of occupancy for the first retail business operating within the commercial development zone and shall continue for a period of thirty (30) years, or until the debt, including any refunding debt, relating to the commercial development zone is retired, whichever is sooner.

(3) An eligible county in which a commercial development zone is duly located is authorized to delegate to any industrial development corporation incorporated by the county or a municipality within the county the authority to issue revenue bonds to finance development or public improvements within or adjacent to a commercial development zone; provided, that the county shall enter into an agreement with the industrial development corporation in which the county shall agree to promptly pay to the industrial development corporation the tax revenues described in this subsection. Upon receipt, such tax revenues shall

be held in trust by the county for the benefit of the industrial development corporation.

(4) Notwithstanding any provision of subdivision (o)(2) to the contrary, no portion of the revenue derived from the increase in the rate of sales and use tax allocated to educational purposes pursuant to Acts 1992, ch. 529 § 9, and no portion of the revenue derived from the increase in the rate of sales and use tax from six percent (6%) to seven percent (7%) contained in Acts 2002, ch. 856, § 4, shall be apportioned and distributed pursuant to this subsection. The revenue shall continue to be allocated as provided in Acts 1992, ch. 529 and Acts 2002, ch. 856, respectively.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Amendment No. 1 to SB2837

Tracy
Signature of Sponsor

AMEND Senate Bill No. 2837

House Bill No. 2830*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Fisk Jubilee Singers;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Fisk Jubilee Singers new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the logo or other distinctive emblem of the Fisk Jubilee Singers in an appropriate design and. Such plates shall be designed in consultation with a representative as designated by the Fisk University Alumni Association.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Fisk University Alumni Association in accordance with § 55-4-215 to be used for operations and programming in this state.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2870

Tracy
Signature of Sponsor

AMEND Senate Bill No. 2870

House Bill No. 2896*

By deleting all language before the enacting clause in its entirety, and by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-4-239, is amended by deleting subsection (f) in its entirety and by substituting instead the following language:

(f) Additional license plates may be obtained by any person entitled to receive the holders of the Purple Heart registration plate or by such person's widow or widower upon the death of such person, upon payment of the regular license fee for plates, as prescribed under § 55-4-111, plus the payment of a fee equal to the cost of actually producing the plate.

SECTION 2. Tennessee Code Annotated, Section 55-4-260, is amended by adding the following language as new subsections:

(f) Subject to the requirements of § 55-4-201, the commissioner is authorized and shall issue a license plate to an owner or lessee of a motorcycle who is otherwise eligible for an International Association of Firefighters new specialty earmarked license plate; provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and shall pay the regular fee applicable to motorcycles and the applicable fee specified in § 55-4-203 prior to the issuance of the plate.

(g) For the purposes of § 55-4-201(h)(1), all license plates authorized or issued pursuant to subsections (a) and (f) shall be included jointly in any determinations for initial issuance and continuation of issuance.

SECTION 3. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following language as a new, appropriately designated subdivision:

() Habitat for Humanity;

SECTION 4. Tennessee Code Annotated, Title 55, Chapter 4, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an Habitat for Humanity new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the logo of Habitat for Humanity International and shall be designed in consultation with the executive director of Habitat for Humanity of Tennessee.

(c) Funds produced from the sale of Habitat for Humanity new specialty earmarked license plates shall be allocated to Habitat for Humanity of Tennessee, in accordance with the provisions of § 55-4-215, to be used exclusively in furtherance of the organization's programs and activities in this state.

SECTION 5. Tennessee Code Annotated, Section 55-4-110, is amended in subsection (b) by adding the following language after the first sentence thereof:

Provided, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate shall be mounted vertically with the top of such license plate fastened along the right vertical edge.

SECTION 6. Tennessee Code Annotated, Section 55-4-202(c)(5)(F), is amended by adding the following language as a new, appropriately designated subdivision:

() Submarine veteran;

SECTION 7. Tennessee Code Annotated, Section 55-4-203(c)(1), is amended by adding the following language as a new, appropriately designated subdivision:

() Submarine veteran;

SECTION 8. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following language as a new, appropriately designated section:

§55-4-2__.

(a)

(1) An owner or lessee of a motor vehicle who is a resident of this state, who is an honorably discharged veteran of the United States armed forces having served on a submarine in the line of military duty, and whose submarine service has been certified by the department of veterans' affairs, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and upon paying the regular fee applicable to the vehicle and the fee prescribed by §55-4-203, shall be issued a "Submarine Veteran" license plate for a motor vehicle authorized by §55-4-210(c).

(2) The application for such plate shall be accompanied by documentation from the appropriate branch of the United States armed forces, certified by the department of veterans' affairs, verifying that the applicant served on a submarine in the line of military duty as a member of the United States armed forces.

(b)

(1) The design of such license plates that are issued pursuant to this section shall be colored red, white and blue so as to be similar in hue and intensity to the coloration of the United States flag and shall bear the legend, "SUBMARINE VETERAN".

(2) The license plates provided for in this section shall be designed in consultation with the commissioner of veterans affairs.

SECTION 9. Tennessee Code Annotated, Section 55-4-202(c)(5)(F), is amended by adding the following language as a new, appropriately designated subdivision:

() Blue star family;

SECTION 10. Tennessee Code Annotated, Section 55-4-203(c)(1), is amended by adding the following language as a new, appropriately designated subdivision:

() Blue star family;

SECTION 11. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 55-4-2__.

(a) The department shall issue to each eligible person in the state whose spouse, parent, sibling or child is serving in the armed forces of the United States at the time of application, a blue star family military license plate for a motor vehicle authorized by § 55-4-210(c), upon the applicant complying with state motor vehicle laws relating to registration and licensing of motor vehicles and upon paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203.

(b) The blue star family plate shall include an identification legend distinctive to blue star families. The legend shall read "Blue Star Family". The registration number of the plate shall include the letters "BS" and a unique identifying number. The plates shall be designed in consultation with the department of veterans affairs.

(c) Eligibility for blue star family plates shall be determined by the department by consulting appropriate documentation from the department of veterans affairs.

(d) Additional license plates may be obtained by any eligible person upon payment of the regular license fee for plates, as prescribed under § 55-4-111, plus the payment of a fee equal to the cost of actually producing the plate pursuant to § 55-4-203(c).

SECTION 12. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Friends of Coal;

SECTION 13. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle

and the fee provided for in § 55-4-203, shall be issued a Friends of Coal new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the language "Friends of Coal".

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated in accordance with § 55-4-215 to the Tennessee surface mine reclamation fund established pursuant to § 59-8-326, to be used exclusively for reclamation and revegetation of land and water affected by mining and exploration operations and related research in this state.

SECTION 14. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Fisk Jubilee Singers;

SECTION 15. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Fisk Jubilee Singers new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the logo or other distinctive emblem of the Fisk Jubilee Singers in an appropriate design and. Such plates shall be designed in consultation with a representative as designated by the Fisk University Alumni Association.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Fisk University Alumni Association in accordance with § 55-4-215 to be used for operations and programming in this state.

SECTION 16. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Down Syndrome awareness;

SECTION 17. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Down Syndrome awareness new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain an appropriate logo or other design promoting Down Syndrome awareness and shall be designed in consultation with the Down Syndrome Policy Network of Tennessee.

(c) The funds produced from the sale of Down Syndrome awareness new specialty earmarked license plates shall be allocated in accordance with § 55-4-215, to the Down Syndrome Policy Network of Tennessee to be used exclusively to assist individuals with Down Syndrome, and their families, who reside in Tennessee.

SECTION 18. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Oak Ridge Revitalization Effort;

SECTION 19. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an Oak Ridge Revitalization Effort new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain an appropriate logo or other design representative of the Oak Ridge Revitalization Effort and the acronym "ORRE".

(c) The funds produced from the sale of Oak Ridge Revitalization Effort new specialty earmarked license plates shall be allocated to the Oak Ridge Revitalization Effort in accordance with § 55-4-215. Such funds shall be used by the Oak Ridge Revitalization Effort to restore and repair the Alexander Inn and Guest House.

SECTION 20. Tennessee Code Annotated, Title 55-4-223(a)(1), is amended by adding the following language as a new, appropriately designated subdivision:

(C) In addition to the governmental entities listed in subdivisions (a)(1)(A) and (B), human resource agencies created pursuant to § 13-26-102 and development districts as created pursuant to § 13-14-102 may also apply for government service plates under this section for vans owned by such human resource agencies and development districts and used exclusively for agencies' and districts' activities.

SECTION 21. Tennessee Code Annotated, Section 55-4-253, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) An owner or lessee of a motor vehicle who is a resident of this state and who is an honorably discharged veteran of the United States armed forces, or a civilian veteran of the United States army corps of engineers, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and upon paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued an honorably discharged veteran registration plate for a motor vehicle authorized by § 55-4-210(c).

(b) All applications pursuant to this section shall be accompanied by orders or a statement of discharge from the appropriate branch of the United States armed forces classifying the applicant as an honorably discharged veteran, or by orders or official documentation from the United States army corps of engineers classifying the applicant as a civilian veteran; provided, that, notwithstanding any law to the contrary, an

honorably discharged veteran of the United States armed forces shall be required to submit documentation of honorable discharge status only when initially applying for registration plates under this section and subsequent registration plates under this section shall be issued to that person without the repeated presentation of honorable discharge status documentation.

(c)

(1) The registration plates provided for in this section shall be designed in consultation with the commissioner of veterans' affairs.

(2) The design of registration plates that are issued pursuant to this section shall bear the name of the county of issue on the lower edge of the tag.

(3) For honorably discharged veterans and civilian veterans, the American flag shall be in the center of the tag.

(4) For honorably discharged veterans and civilian veterans of Vietnam, the center emblem shall be crossed American and Republic of Vietnam flags. A Southeast Asia campaign medal or appropriate civilian documentation shall have been awarded in order to obtain the Vietnam Veteran plate.

(5) For veterans and civilian veterans of World War II, the strip along the bottom of the license plate shall read "WW II Veteran," and the symbol on the left shall be the Honorable Service Lapel Pin, also known as the "ruptured duck." Proof of honorable military or civilian service or between December 7, 1941, and December 31, 1946, shall be required to obtain this plate.

(6) For veterans and civilian veterans of the Korean War, the strip along the bottom of the license plate shall read "Korean War Veteran," and the symbol on the left shall be crossed American and Republic of Korea flags. A Korean Service Medal shall have been awarded for an honorably discharged veteran, or appropriate civilian documentation, to obtain this plate.

(7) For veterans and civilian veterans of Operation Desert Storm, the strip along the bottom of the license plate shall read "Desert Storm Veteran," and

the symbol on the left shall be crossed American and Kuwait flags. Award of the Southwest Asia Service medal and proof of honorable service, or appropriate civilian documentation, shall be required for a veteran or civilian veteran to obtain this plate.

(8) For veterans and civilian veterans of the peacekeeping mission in Bosnia, the plate shall be designed by the commissioner of veterans affairs in consultation with the commissioner of revenue. The commissioner of veterans affairs shall also set proof of service requirements for honorably discharged veterans and civilian veterans to obtain this plate.

(9) For honorably discharged veterans and civilian veterans of Operation Iraqi Freedom and active members of the United States armed forces or the United States army corps of engineers serving in Operation Iraqi Freedom, the plate shall be designed by the commissioner of veterans affairs in consultation with the commissioner of revenue. The commissioner of veterans affairs shall also set proof of service requirements for veterans or civilian veterans who have served or who are still serving in Operation Iraqi Freedom to obtain the plate.

(10) For honorably discharged veterans and civilian veterans of Operation Enduring Freedom and active members of the United States armed forces or United States army corps of engineers serving in Operation Enduring Freedom, the plate shall be designed by the commissioner of veterans affairs in consultation with the commissioner of revenue. The commissioner of veterans affairs shall also set proof of service requirements for veterans and civilian veterans who have served or who are still serving in Operation Enduring Freedom to obtain the plate.

(d) The commissioner of revenue is authorized to promulgate rules and regulations to effectuate the purposes of this section. All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 22. Tennessee Code Annotated, Section 55-4-304, is amended by adding a new subsection thereto, as follows:

(d) Notwithstanding the time limitations of § 55-4-201(h)(1), the I RECYCLE new specialty earmarked license plates authorized for issuance pursuant to this section shall have one (1) year from the effective date of this act or until July 1, 2011, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 23. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Tennessee Soccer;

SECTION 24. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Tennessee Soccer new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the logo or other distinctive emblem of the Tennessee State Soccer Association in an appropriate design. Such plates shall be designed in consultation with the Tennessee State Soccer Association.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Tennessee State Soccer Association in accordance with § 55-4-215 to be used for programs and services that foster the physical, mental and emotional growth of Tennessee's youth through the sport of soccer in this state.

SECTION 25. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Music City Alumni Chapter of Western Kentucky University;

SECTION 26. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Music City Alumni Chapter of Western Kentucky University new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the official colors, logo or other distinctive emblem of Western Kentucky University in an appropriate design. Such plates shall be designed in consultation with a representative from the Music City alumni chapter of Western Kentucky University.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Music City alumni chapter of Western Kentucky University in accordance with § 55-4-215 to be used for scholarship funding for Tennessee students attending Western Kentucky University.

SECTION 27. Tennessee Code Annotated, Section 55-4-276, is amended by adding the following language to the end of subsection (c):

Notwithstanding any provision of law to the contrary, the new specialty earmarked plates provided for in this section shall have one (1) year from the effective date of this act or July 1, 2011, whichever is later, to meet the initial issuance requirements of § 55-4-201(h)(1). In addition, the new specialty earmarked plates provided in this section shall be redesigned in consultation with the Jeff Roth Cycling Foundation. Such newly redesigned plate shall be available for initial issuance and renewals on or after July 1, 2010.

SECTION 28. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Lion's Club;

SECTION 29. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Lion's Club new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the logo or other distinctive emblem of the Lion's Club in an appropriate design. Such plates shall be designed in consultation with a representative as designated by Tennessee Lion's Charities.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to Tennessee Lion's Charities in accordance with § 55-4-215 to be used for programs to eradicate blindness, serve youth and support humanitarian projects in this state.

SECTION 30. Tennessee Code Annotated, Section 55-4-255, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) The funds produced from the sale of Trout Unlimited new specialty earmarked license plates shall be allocated to the Tennessee council of Trout Unlimited, in accordance with § 55-4-215, for distribution to the Tennessee chapters of Trout Unlimited in amounts as determined by the Tennessee council. The funds shall be used exclusively in Tennessee by the Tennessee chapters of Trout Unlimited to further the organization's mission to conserve, protect, and restore North America's coldwater fisheries and their watersheds.

SECTION 31. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() University of Tennessee Volunteer athletics;

SECTION 32. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a University of Tennessee Volunteer athletics new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the traditional "Power T" logo filled in orange and outlined in black. The "Power T" logo shall be placed against a background in the traditional orange and white checkerboard pattern of University of Tennessee Volunteer athletics. Such plates shall also contain the language "TENNESSEE VOLUNTEERS" in black lettering.

(c) The funds produced from the sale of University of Tennessee Volunteer athletics new specialty earmarked license plates shall be allocated to the Tennessee Fund of the University of Tennessee in accordance with § 55-4-215.

SECTION 33. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Volunteer Wounded Warriors;

SECTION 34. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Volunteer Wounded Warriors new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain an appropriate design honoring Tennessee's wounded veterans. Such plates shall be designed in consultation with the department of veterans affairs.

(c) Funds produced from the sale of Volunteer Wounded Warriors new specialty earmarked license plates shall be allocated, in accordance with § 55-4-215, to the department of veterans affairs to be used to support programs to assist veterans' rehabilitation, readjustment, and treatment with first priority to Tennessee veterans wounded in conflicts in federal service, second priority to all other disabled veterans, and third priority to any honorably discharged veteran.

SECTION 35. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() International Brotherhood of Electrical Workers;

SECTION 36. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an International Brotherhood of Electrical Workers new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain an appropriate logo or other design representative of the International Brotherhood of Electrical Workers and the acronym "IBEW".

(c) The funds produced from the sale of such International Brotherhood of Electrical Workers new specialty earmarked license plates shall be allocated to St. Jude Children's Hospital in accordance with § 55-4-215. Such funds shall be used exclusively to support St. Jude Children's Hospital's efforts to provide exemplary medical treatment and care to children.

SECTION 37. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() First Families of Tennessee;

SECTION 38. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 55-4-2__.

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a First Families of Tennessee new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be designed in consultation with the East Tennessee Historical Society.

(c) The funds produced from the sale of First Families of Tennessee new specialty earmarked license plates shall be allocated in accordance with the provisions of § 55-4-215 to the East Tennessee Historical Society to document and preserve the unique heritage of east Tennessee.

SECTION 39. Notwithstanding § 55-4-201(h)(1), the Tennessee Off-Highway Vehicle Association new specialty earmarked license plates authorized for issuance pursuant to § 55-4-321 shall have one (1) year from the effective date of this act or until July 1, 2011, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 40. Tennessee Code Annotated, Section 55-4-278, is amended by deleting such section in its entirety and by substituting instead the following:

Section 55-4-278.

(a)

(1) Subject to the requirements of § 55-4-201, the commissioner is authorized, and shall issue, a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a national guard plate, enumerated in § 55-4-202(c)(3), a Tennessee state guard plate, enumerated in § 55-4-270, a

memorial plate, enumerated in § 55-4-202(c)(4), or a military plate, enumerated in § 55-4-202-(c)(5)(F); provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles; and, except for an owner or lessee eligible for a memorial plate, enumerated in § 55-4-202(c)(4), and as provided in § 55-4-228(d)(1)(A) for an enlisted national guard member, pay the regular fee applicable to motorcycles, and the applicable fee specified in § 55-4-203, prior to the issuance of any such plate.

(2) Nothing in this section shall be construed as authorizing the issuance of an additional plate or plates free of charge to an eligible owner or lessee, whether for a motorcycle, authorized motor vehicle, or a combination of the two, above the total number of free plates authorized by § 55-4-235 for former prisoners of war, by § 55-4-236 for recipients of the Medal of Honor, the Distinguished Service Cross, the Navy Cross, or the Air Force Cross, by § 55-4-237 for disabled veterans, including those disabled veterans who choose to receive the Purple Heart plate, pursuant to § 55-4-237(d), or by § 55-4-228(d)(1)(A) for enlisted national guard members, as applicable.

(b) The motorcycle plates authorized by this section shall be substantially the same in design and configuration, allowing for variations due to size restrictions, as the regular motor vehicle registration plates authorized by § 55-4-202(c)(5)(F)(i) for combat veterans, by § 55-4-202(c)(5)(F)(vi) for the Marine Corps League, by § 55-4-228 for national guard members, by § 55-4-270 for state guard members, by § 55-4-231 for Silver Star and Bronze Star recipients, by § 55-4-235 for former prisoners of war, by § 55-4-236 for recipients of the Medal of Honor, the Distinguished Service Cross, the Navy Cross, or the Air Force Cross, by § 55-4-237 for disabled veterans, by § 55-4-238 for Pearl Harbor survivors, by § 55-4-239 for holders of the Purple Heart, by § 55-4-242 for members of the United States reserve forces, by § 55-4-243 for enemy evadees, by § 55-4-244 for active and retired members of the United States military and the United

States military reserves in good standing, by § 55-4-253 for honorably discharged veterans, or by § 55-4-318 for handicapped veterans, as applicable.

(c) The funds produced from the sale and renewal of the motorcycle plates shall be allocated in accordance with § 55-4-216 for the military plates enumerated in § 55-4-202(c)(5)(F), and in accordance with § 55-4-219 for the national guard plates enumerated in § 55-4-202(c)(3) and the memorial plates enumerated in § 55-4-202(c)(4), as applicable.

SECTION 41. Notwithstanding § 55-4-201(h)(1), the Rotary International new specialty earmarked license plates authorized for issuance pursuant to § 55-4-327 shall have one (1) year from the effective date of this act or until July 1, 2011, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 42. Tennessee Code Annotated, Section 55-4-202(c)(2), is amended by adding the following language as a new subdivision:

(K) Magistrates;

SECTION 43. Tennessee Code Annotated, Section 55-4-226, is amended by adding the following language as a new subsection:

(i) An owner or lessee of a motor vehicle who is a resident of this state and whose duty is to serve a judiciary function as a magistrate, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, payment of the regular license fee for plates, as prescribed under § 55-4-111, and payment of the additional fee provided for in § 55-4-203, shall be issued a license plate, as prescribed by § 55-4-101, for motor vehicles authorized by § 55-4-210(c), upon which, instead of the numbers as prescribed by § 55-4-103, shall be inscribed an individual distinctive number.

SECTION 44. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Memphis Rock 'n' Soul Museum;

SECTION 45. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Memphis Rock 'n' Soul Museum new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the logo or other distinctive emblem of the Memphis Rock 'n' Soul museum in an appropriate design and contain the language "The State of American Music". Such plates shall be designed in consultation with a representative as designated by the Memphis Rock 'n' Soul museum.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Memphis Rock 'n' Soul Museum in accordance with § 55-4-215 to be used for music educational programs and developing an oral history program of musical legends in this state.

SECTION 46. Notwithstanding § 55-4-201(h)(1), the Teachers new specialty earmarked license plates authorized for issuance pursuant to § 55-4-326 shall have one (1) year from the effective date of this act or until July 1, 2011, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 47. Notwithstanding § 55-4-201(h)(1), the Cherohala Skyway new specialty earmarked license plates authorized for issuance pursuant to § 55-4-283 shall have one (1) year from the effective date of this act or until July 1, 2011, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 48. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Kappa Delta Sorority;

SECTION 49. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Kappa Delta Sorority new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the logo or other distinctive emblem of the Kappa Delta Sorority in an appropriate design and contain the language "Kappa Delta Sorority". Such plates shall be designed in consultation with a representative as designated by Kappa Delta Sorority Nashville Alumnae Chapter.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Kappa Delta Foundation in accordance with § 55-4-215 to be used in furtherance of the organization's charitable activities in this state.

(d) Notwithstanding § 55-4-201(h)(1), the Kappa Delta Sorority new specialty earmarked license plates authorized by this section shall have two (2) years from the effective date of this act or until July 1, 2012, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 50. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() T.C. Thompson Children's Hospital;

SECTION 51. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a T.C. Thompson

Children's Hospital new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be designed in consultation with a representative as designated by the T.C. Thompson Children's Hospital .

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated, in accordance with § 55-4-215, to the T.C. Thompson Children's Hospital foundation, to be used exclusively for promoting public awareness and enhancing medical excellence to meet the unique needs of children and their families.

SECTION 52. Tennessee Code Annotated, Section 55-4-221, is amended by adding the following language after the first sentence in subdivision (c)(4):

Upon the depletion of the department's current inventory of temporary plates, the department shall redesign the temporary plates in such a manner as determined by the commissioner as will permit the conspicuous display of individual distinctive alpha-numerical characters.

SECTION 53. Tennessee Code Annotated, Section 55-4-244, is amended by adding the following language to the end of subsection (a):

A surviving spouse of such a deceased active, retired or honorably discharged member, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and upon paying the regular fee applicable to the vehicle and the fee prescribed by § 55-4-203, shall be issued a registration plate pursuant to this section, until the surviving spouse remarries.

SECTION 54. Tennessee Code Annotated, Title 55-4-223(a)(1), is amended by adding the following language as a new, appropriately designated subdivision:

(C) In addition to the governmental entities listed in subdivisions (a)(1)(A) and (B), community action agencies may also apply for government service plates under this

section for vans owned by such community action agencies and used exclusively for agencies' activities.

SECTION 55. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 56. Sections 1, 5, 20, 21, 22, 27, 39, 41, 46 and 47 of this act shall take effect upon becoming a law, the public welfare requiring it. All other sections of this act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 2 to SB2870

Burchett
Signature of Sponsor

AMEND Senate Bill No. 2870

House Bill No. 2896*

By adding the following sections to precede the final section and redesignating the remaining sections accordingly:

SECTION __. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Boy Scouts of America;

SECTION __. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Boy Scouts of America new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the official logo or other design representative of the Boy Scouts of America. Such plates shall be designed in consultation with the Tennessee Councils of the Boy Scouts of America.

(c)

(1) The funds produced from the sale of such Boy Scouts of America new specialty earmarked license plates shall be allocated in accordance with the provisions of § 55-4-215; provided, however, that the funds allocated pursuant to § 55-4-215(a)(1) shall be distributed to each of the five (5) Tennessee Councils of the Boy Scouts of America in proportion to the number of such license plates sold in the counties which comprise each such Council, such Councils being

currently known as Cherokee Area Council, Chattanooga and surrounding counties; Great Smoky Mountain Council, Knoxville and surrounding counties; Middle Tennessee Council, Nashville and surrounding counties; Sequoyah Council, northeast Tennessee including the Tri-Cities; and West Tennessee Area Council, Memphis and surrounding counties. Such funds shall be used exclusively to fund and support scouting programs and activities.

(2) Prior to initial issuance of new specialty earmarked license plates authorized by this section, each Council of the Tennessee Councils of the Boy Scouts of America shall notify the department of each county comprising such Council.

(d) The provisions of § 55-4-201(f) shall not apply to the new specialty license plates authorized by this section.

Amendment No. 1 to SB2900

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2900*

House Bill No. 3543

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-419(a), is amended by deleting subsection (1) in its entirety and substituting instead the following:

(a) (1) In addition to all other fines, fees, costs and punishments now prescribed by law, including the fee imposed pursuant to § 55-10-403(h), a blood alcohol or drug concentration test (BADT) fee in the amount of two hundred and fifty dollars (\$250) shall be assessed upon a conviction for a violation of § 39-13-106, § 39-13-213(a)(2), §39-13-218, § 39-17-418 § 55-10-205 or § 55-10-401, for each offender who has taken a breath alcohol test on an evidential breath testing unit provided, maintained and administered by a law enforcement agency for the purpose of determining the breath alcohol content or has submitted to a chemical test to determine the alcohol or drug content of the blood or urine.

SECTION 2. Tennessee Code Annotated, Section 55-10-419(c), is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(2) Moneys in the TBI toxicology unit intoxicant testing fund and available federal funds, to the extent permitted by federal law and regulation, shall be used to fund a forensic scientist position in each of the three (3) bureau crime laboratories, to employ forensic scientists to fill these positions, and to purchase equipment and supplies, pay for the education, training and scientific development of employees, or for any other purpose so as to allow the bureau to operate in a more efficient and expeditious manner. To the extent that additional funds are available, these funds shall be used to employ

personnel, purchase equipment and supplies, pay for the education, training and scientific development of employees, or for any other purpose so as to allow the bureau to operate in a more efficient and expeditious manner.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2901

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2901*

House Bill No. 3538

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-420, is amended by deleting subsections (h) and (j) in their entirety and substituting instead the following:

(h) In addition to all other fines, fees, costs and punishments now prescribed by law, imposed pursuant to subsection (d), a drug testing fee in the amount of two hundred and fifty dollars (\$250) shall be assessed upon a conviction of or upon the granting of pretrial diversion under § 40-15-105 or judicial diversion under §40-35-313 for a violation of any part of the Tennessee Drug Control Act, compiled in this part and title 53, chapter 11, parts 3 and 4.

(j) There is created a fund within the state treasury, to be known as the TBI drug chemistry unit drug testing fund.

(1) Moneys shall be deposited into the fund pursuant to subsection (i), and as may be otherwise provided by law, and shall be invested pursuant to § 9-4-603. Moneys in the fund shall not revert to the general fund of the state, but shall remain available for appropriation to the Tennessee bureau of investigation, as determined by the general assembly.

(2) Moneys in the TBI drug chemistry unit drug testing fund and available federal funds, to the extent permitted by federal law and regulation, shall be used to fund a forensic scientist position in each of the three (3) bureau crime laboratories, to employ forensic scientists to fill the positions and to purchase, maintain and upgrade the equipment and supplies necessary to carry out, in a timely manner, the increased number of requests for determinations of

weight and analysis of submitted substances. To the extent that additional funds are available, the funds shall be used to employ personnel, purchase equipment and supplies, pay for the education, training and scientific development of employees, or for any other purpose so as to further allow the bureau to operate in a more efficient and expeditious manner.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2902

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2902*

House Bill No. 3537

SECTION 1. Tennessee Code Annotated, Section 38-6-103, is amended by deleting subsection (d) in its entirety and substituting instead the following:

(d)

(1)

(A) The following fees shall be adjudged as a part of the costs in each case upon conviction of the following offenses:

(i) Controlled substances, narcotics,
drugs.....\$20.00

(i) Driving a motor vehicle or operating a boat while under the influence of intoxicants and/or drugs, except as provided in §55-10-403(h).....17.50

(iii) Certification of criminal histories and records.....Amount fixed by the federal bureau of investigation

(iv) Upon the forfeiture of a cash bond entered as a result of a municipal traffic citation pursuant to § 67-4-603.....Entirety of amount of such forfeiture.

(B) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law.

(C) Such fees may be assessed as court costs upon conviction of the defendant in whose case the tests were performed. Any fees recovered as court costs shall be paid to the submitting agency as

repayment for the fees that the submitting agency remitted to the Tennessee bureau of investigation for services. The fee for all services performed shall be due to the Tennessee bureau of investigation, regardless of the disposition of the case.

(D) These fees shall be transmitted by the clerk of the court to the state treasurer for deposit in a fund to be used by the Tennessee bureau of investigation for the purpose of employing special agents and special agent forensic scientists; for the purchase of equipment and supplies; to pay for the education, training and scientific development of employees; or for any other purpose to allow the bureau's business to be done in a more efficient and expeditious manner. The moneys received in the fund shall be invested for the benefit of the fund by the state treasurer pursuant to § 9-4-603. Amounts in the fund shall not revert to the general fund of the state, but shall, together with interest income credited to the fund, remain available for expenditure in subsequent fiscal years.

(E) Fees for services may be waived by the Tennessee bureau of investigation at the bureau's discretion upon a showing by the agency of inability to pay the fee and inability to collect the fee through court costs.

(F) Except when and as provided in this subdivision (d)(1) and subdivision (e)(2), the fees set out in §38-6-103(d)(1)(A)(i)-(iii), the appropriate clerk, after deducting five percent (5%) as compensation, shall identify those fees to the Tennessee bureau of investigation and remit the fees to the state treasury to be expended as appropriated by the Tennessee bureau of investigation.

(2) Upon approval of the director, local governing bodies which have the responsibility for providing funding for sheriffs' offices and police departments are authorized to purchase from state contracts approved for bureau purchases scientific instruments designed to examine a person's breath and measure the

alcohol content of a person's breath for use as evidence in the trial of cases; provided, that prior to use of the scientific instruments, such instruments must be delivered to the forensic services division for testing and certification pursuant to subsection (g). The bureau shall continue to maintain and certify the instruments and operating personnel, pursuant to subsection (g), and furnish expert testimony in support of the use of the scientific instruments when required.

SECTION 2. Tennessee Code Annotated, Section 67-4-603(a)(2), is amended by deleting the current language in its entirety and inserting the following language:

(2) Upon a finding of guilt, plea of guilty, or submission to fine in a criminal action from the defendant or upon the forfeiture of a cash bond entered as a result of a municipal traffic citation;

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 2 to SB2902

McNally
Signature of Sponsor

AMEND Senate Bill No. 2902*

House Bill No. 3537

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-6-103, is amended by deleting subsection (d) in its entirety and substituting instead the following:

(d)

(1)

(A) The following fees shall be adjudged as a part of the costs in each case upon conviction of the following offenses:

(i) Controlled substances, narcotics,
drugs.....\$20.00

(ii) Driving a motor vehicle, or operating a boat while under the influence of intoxicants and/or drugs, except as provided in § 55-10-403(h).....17.50

(iii) Certification of criminal histories and records.....Amount fixed by the federal bureau of investigation

(iv) Upon the forfeiture of a cash bond or other surety entered as a result of a municipal traffic citation pursuant to § 40-11-118(c).....13.75.

(B) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law.

(C) Except when and as provided in this subdivision (d)(1) and subdivision (e)(2), the appropriate clerk, after deducting five percent (5%) as compensation when applicable, shall identify those fees set out in §

38-6-103(d)(1)(A) to the Tennessee bureau of investigation and remit the fees to the state treasury to be expended by the Tennessee bureau of investigation as appropriated by the general assembly. These fees shall be transmitted by the clerk of the court to the state treasurer for deposit in a fund to be used by the Tennessee bureau of investigation for the purpose of employing personnel; for the purchase of equipment and supplies; to pay for the education, training and scientific development of employees; or for any other purpose to allow the bureau's business to be done in a more efficient and expeditious manner. The moneys received in the fund shall be invested for the benefit of the fund by the state treasurer pursuant to § 9-4-603. Amounts in the fund shall not revert to the general fund of the state, but shall, together with interest income credited to the fund, remain available for expenditure in subsequent fiscal years.

(2) Upon approval of the director, local governing bodies which have the responsibility for providing funding for sheriffs' offices and police departments are authorized to purchase from state contracts approved for bureau purchases, scientific instruments designed to examine a person's breath and measure the alcohol content of a person's breath, for use as evidence in the trial of cases; provided, that prior to use of the scientific instruments, such instruments must be delivered to the forensic services division for testing and certification pursuant to subsection (g). The bureau shall continue to maintain and certify the instruments and operating personnel, pursuant to subsection (g), and furnish expert testimony in support of the use of the scientific instruments when required.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2911

Tracy
Signature of Sponsor

AMEND Senate Bill No. 2911*

House Bill No. 3025

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-15-128, is amended by deleting the present language in its entirety and by substituting instead the following language:

(a) Notwithstanding any provision of this title or title 7, chapter 51, to the contrary, each for-hire motor carrier providing passenger transportation service in a motor vehicle or motor vehicles designed or constructed to accommodate and transport passengers, eight (8) or more in number, services exclusive of the driver, or any motor vehicle transporting passengers who are TennCare enrollees eligible for such transportation services under TennCare, shall at a minimum:

(1) Maintain a policy of liability insurance in the amount of not less than one million dollars (\$1,000,000) in value, which shall bind the obligors under the policy to make compensation for injury to persons and for loss of or damage to property resulting from the negligent operation by the driver, unless the transportation provider is a self insured local government or public transportation provider;

(2) Conduct a program of mandatory random drug testing for the operators of its motor vehicles in accordance with regulations promulgated by the United States department of transportation;

(3) Require the operators of its motor vehicles to submit to physical examination every two (2) years, in accordance with regulations promulgated by the United States department of transportation;

(4) Subject each transportation provider operating in the capacity as a passenger transportation service to an annual safety examination compliance review to be conducted by the department of safety. For purposes of this section, "compliance review" means reviewing:

- (A) Proof of insurance or self insured status;
- (B) Employee random drug testing documents;
- (C) Employee physical examination documents; and
- (D) Vehicle maintenance records; and

(5) Comply with all other requirements deemed necessary to protect the public safety and welfare as specified by the department of safety in its promulgation of rules and regulations to effectuate such purpose.

(b) The commissioner of safety is authorized to promulgate rules and regulations to effectuate the purposes of this section. The rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2970

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2970*

House Bill No. 3280

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated 55-10-401 is amended by deleting the language and substituting instead the following:

§ 55-10-401.

It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park or any apartment house complex, or any other premises that is generally frequented by the public at large, while:

(1) Under the influence of any intoxicant, marijuana, controlled substance, drug, substance affecting the central nervous system or combination thereof that impairs to any extent the driver's ability to operate a motor vehicle by depriving the driver of the clearness of mind and control of himself which he would otherwise possess; or

(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (.08 %) or more.

SECTION 2. This act shall take effect January 1, 2011, the public welfare requiring it.

Amendment No. 2 to SB2970

McNally
Signature of Sponsor

AMEND Senate Bill No. 2970*

House Bill No. 3280

by deleting amendatory § 55-10-401 of Section 1 of the bill as amended and by substituting instead the following:

§ 55-10-401.

It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park or any apartment house complex, or any other premises that is generally frequented by the public at large, while:

(1) Under the influence of any intoxicant, marijuana, controlled substance, drug, substance affecting the central nervous system or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of himself which he would otherwise possess; or

(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (.08 %) or more.

Amendment No. 1 to SB3049

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3049

House Bill No. 2927*

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-28-102(4), is amended by inserting the following language at the end of the subdivision:

provided, however, that a contract for payment of cash or cash equivalents over a specified period of time shall also be sufficient;

SECTION 2. Tennessee Code Annotated, Section 4-28-102(10)(A)(iv), is amended by inserting the following language at the end of the subdivision:

provided, however, that if the TNInvestco continues to fulfill its fiduciary duty to the program established by this chapter, then the business can be one in which the TNInvestco, its affiliates, or a separate fund managed by the managers of the TNInvestco was invested prior to the allocation of investment tax credits to the TNInvestco; and provided, further, that if the TNInvestco continues to fulfill its fiduciary duty to the program established by this chapter, then the business can be one in which a separate fund managed by the managers of the TNInvestco makes an investment after the investment by the TNInvestco;

SECTION 3. Tennessee Code Annotated, Section 4-28-102(10), is amended by redesignating current subdivision (B) as subdivision (C) and by inserting the following language as a new subdivision (B):

(B)

(i) The requirements of subdivision (10)(A)(i) may, in the alternative, be met if the qualified TNInvestco represents in its application for funding approval

that the business will, in the definitive purchase agreements to be executed upon closing, agree to:

(a) Commence locating its headquarters, its principal business operations, and at least sixty percent (60%) of its employees in Tennessee, and

(b) Complete all of the required elements of subdivision (10)(A)(i) within twelve (12) months after closing.

(ii) If the business fails to fulfill the commitments specified in subdivision (10)(B)(i), then the commissioner of economic and community development may, in the commissioner's sole discretion, impose on the TNInvestco the following penalty. Notwithstanding subdivision (9) of this section to the contrary, under the penalty authorized by this subdivision (10)(B)(ii), the profit share percentage, as otherwise defined in subdivision (9) of this section, shall be amended such that the fee paid to the state by the qualified TNInvestco in connection with the business shall equal eighty percent (80%), rather than fifty percent (50%), of any distributions arising from the TNInvestco's investment in the business, other than qualified distributions or distributions or repayments of capital contributions by the TNInvestco's equity owners who are not participating investors;

SECTION 4. Tennessee Code Annotated, Section 4-28-102(11), is amended by deleting the language prior to subdivision (A) in its entirety and by substituting instead the following:

(11) "Qualified distribution" means any distribution or payment by a qualified TNInvestco in connection with the following:

SECTION 5. Tennessee Code Annotated, Section 4-28-102(12), is amended deleting the subdivision in its entirety and by substituting instead the following:

(12) "Qualified investment" means the investment of cash by a qualified TNInvestco in a qualified business for the purchase of equity, equity options, warrants, or debt convertible to equity. An investment by a qualified TNInvestco in a debt

instrument whose terms are substantially equivalent to terms typically found in debt financing provided by banks to profitable companies, such as security interests in tangible assets with readily discernable orderly liquidation value in excess of the loan amount and/or personal guarantees, shall not be deemed as a qualified investment.

Qualified investments determined to be seed or early stage investments shall be increased by three hundred percent (300%) for purposes of determining if a qualified TNInvestco meets the investment thresholds in § 4-28-106;

SECTION 6. Tennessee Code Annotated, Section 4-28-103(b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(b) No participating investor's investment tax credit for any taxable year shall exceed the participating investor's state premium tax liability for such year. If the amount of the investment tax credit determined under this section for any taxable year exceeds the state premium tax liability, then the excess shall be an investment tax credit carryover to future taxable years until tax year 2037. Investment tax credits may be used in connection with both final payments and prepayments of a participating investor's state premium tax liability. Investment tax credits may be sold or otherwise transferred by a participating investor to another entity, which can likewise resell or transfer the tax credits, provided that the department of revenue receives written notification within thirty (30) days of any sale or transfer.

SECTION 7. Tennessee Code Annotated, Section 4-28-104, is amended by adding the following language as a new subsection (f):

(f) Proprietary information, provided by an applicant to the department of economic and community development or the department of revenue pursuant to this section on or after July 9, 2009, shall be considered "tax information" as defined in § 67-1-1701 and shall be subject to the provisions of title 67, chapter 1, part 17. For purposes of this subsection, "proprietary information" shall have the same meaning as that term is defined in § 4-3-730.

SECTION 8. Tennessee Code Annotated, Section 4-28-105(d), is amended by deleting

the last sentence of the subsection in its entirety.

SECTION 9. Tennessee Code Annotated, Section 4-28-105, is amended by adding the following language as new subsections (f) and (g):

(f) Notwithstanding subsection (d) of this section, the commissioner of revenue and the commissioner of economic and community development are authorized to allocate additional investment tax credits in the total amount of eighty million dollars (\$80,000,000) such that the aggregate amount of investment tax credits to be allocated under this chapter shall not exceed two hundred million dollars (\$200,000,000). Such additional investment tax credits shall consist of four (4) twenty million dollar (\$20,000,000) allocations, which shall be awarded, respectively, to the four (4) TNInvestcos, chosen as finalists by the commissioner of revenue and the commissioner of economic and community development during the selection process set out in subsections (a) through (e) of this section, that did not receive an allocation of investment tax credits under subsection (d). Final allocation of such tax credits to such TNInvestcos shall occur after the TNInvestcos have obtained irrevocable investment commitments from participating investors and TNInvestco owners in an aggregate amount equal to at least the base investment amount.

(g) Proprietary information provided by an applicant to the department of economic and community development or the department of revenue pursuant to this section on or after July 9, 2009, shall be considered "tax information" as defined in § 67-1-1701 and shall be subject to the provisions of title 67, chapter 1, part 17. For purposes of this subsection, "proprietary information" shall have the same meaning as that term is defined in § 4-3-730.

SECTION 10. Tennessee Code Annotated, Section 4-28-106(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(1)

(A) To maintain its certification, a qualified TNInvestco shall make qualified investments as follows:

(i) Within two (2) years after the allocation date, a qualified TNInvestco shall have invested an amount equal to at least fifty percent (50%) of its base investment amount in qualified investments;

(ii) Within three (3) years after the allocation date, a qualified TNInvestco shall have invested an amount equal to at least seventy percent (70%) of its base investment amount in qualified investments;

(iii) Within four (4) years after the allocation date, a qualified TNInvestco shall have invested an amount equal to at least eighty percent (80%) of its base investment amount in qualified investments;
and

(iv) Within six (6) years or any year thereafter, the allocation date, a qualified TNInvestco shall have invested an amount equal to at least ninety percent (90%) of its base investment amount in qualified investments.

(B) Not more than twenty five percent (25%) of the investment amounts required by subdivisions (a)(1)(A)(i) through (iv) of this section shall be attributable to the three hundred percent (300%) seed or early stage multiplier.

SECTION 11. Tennessee Code Annotated, Section 4-28-106(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) All designated capital not invested in qualified investments by a qualified TNInvestco shall be held in an escrow account maintained by the state and administered through the department of economic and community development.

SECTION 12. Tennessee Code Annotated, Section 4-28-106, is amended by adding the following language as new subsections (e) and (f):

(e) Any amounts that have not been invested by the TNInvestco at the end of the investment period shall be forfeited and paid to the state to support the Tennessee rural opportunity fund.

(f) No qualified TNInvestco shall sell any interest in a qualified business to an affiliate unless the TNInvestco has first obtained written authorization for the sale from the department of economic and community development.

SECTION 13. Tennessee Code Annotated, Section 4-28-110, is amended by adding the following language as a new subsection (d):

(d)

(1) For the purposes of this subsection, “key person” means:

(A) The TNInvestco investment managers listed in part II, item 6, of such TNInvestco’s application under § 4-28-105; or

(B) A list of investment managers as has been previously approved by the department of economic and community development under subdivision (2) of this subsection or otherwise.

(2) A TNInvestco’s success shall be deemed to depend, in particular, on the TNInvestco’s key person or persons. On or before July 1, 2010, each qualified TNInvestco shall provide to the department of economic and community development a description of the TNInvestco’s procedure for choosing a successor should any key person die, become legally incapacitated, or cease to be involved in the management of the TNInvestco for more than ninety (90) consecutive days. In the event that a majority of key persons do die, become legally incapacitated, or cease to be involved in the management of the TNInvestco for more than ninety (90) consecutive days for any reason, the commissioner of economic and community development, in consultation with the commissioner of revenue, the Tennessee Technology Development Corporation, or any other appropriate professional advisors, shall determine whether a new individual or individuals will be able to assume the role of key person so that the TNInvestco’s performance will remain unimpaired. If the commissioner of economic and community development determines, in the commissioner’s sole discretion, that the key person cannot be adequately replaced and the

TNInvestco's performance therefore will be impaired, then any funds not already invested by the TNInvestco shall be deposited into the general fund unless the department of finance and administration has certified, pursuant to § 4-28-109, that the total amount of payments deposited in the general fund under this chapter equals or exceeds the total amount of revenue forgone pursuant to the credits used as provided in § 4-28-103. If the department of finance and administration has made such a determination, then any funds not already invested by the TNInvestco shall be deposited into the Tennessee rural opportunity fund to further support the state's economic development efforts.

SECTION 14. Tennessee Code Annotated, Title 4, Chapter 28, is amended by adding the following language as a new section:

§ 4-28-113.

(a) Within ninety (90) days after the department of economic and community development provides notice to a TNInvestco, the commissioner of economic and community development and the commissioner of revenue, working with the TNInvestco, shall cause to be created an investment strategy "scorecard" for the TNInvestco. Said "scorecard" shall contain not more than six (6) objective metrics or measures that will be used to reflect the investment strategy approved by the state, which strategy may, in the sole discretion of the commissioner of economic and community development, be modified from time to time upon written request of the TNInvestco to the commissioner of economic and community development.

(b) The commissioner of economic and community development, in consultation with the commissioner of revenue or any other appropriate professional advisors, shall conduct an annual review of each qualified TNInvestco, at the conclusion of each fiscal year, to determine whether the investment strategy used by the TNInvestco is in substantial compliance with the TNInvestco's scorecard.

(c)

(1) If the commissioner of economic and community development reasonably determines that the investment strategy actually used by the TNInvestco is not in substantial compliance with the scorecard, then the commissioner of economic and community development shall provide the qualified TNInvestco a summary of findings including the areas of noncompliance. Within sixty (60) days of receiving the commissioner's findings, the TNInvestco shall provide to the commissioner of economic and community development a written statement that shall describe in detail the TNInvestco's plan for curing all areas of noncompliance before the next annual review. Said plan may include a request for modification of the strategy with corresponding changes in the scorecard which, if approved, shall become the scorecard against which future compliance will be measured.

(2) If the commissioner of economic and community development reasonably determines, at the next annual review conducted pursuant to this section, that the TNInvestco has failed to cure such areas of noncompliance, a penalty in the amount of two-hundred fifty thousand dollars (\$250,000) shall be imposed, and an additional penalty of two-hundred fifty thousand dollars (\$250,000) shall be imposed for each year in which such noncompliance remains uncured.

(3) The proceeds from any penalty imposed pursuant to subdivision (2) of this subsection shall be deposited into the Tennessee rural opportunity fund to further the state's economic development efforts. Such penalty shall not be paid out of monies generated by the sale of investment tax credits under this chapter or any gain thereon.

SECTION 15. Tennessee Code Annotated, Section 4-28-102(11)(E), is amended by deleting the language "Payments to participating investors" and by substituting instead the language "Payments to the TNInvestco's equity owners who are not participating investors".

SECTION 16. Tennessee Code Annotated, Section 4-28-110, is amended by adding the following as a new, appropriately designated subsection:

() To promote openness and transparency, a copy of each annual report received by the department of economic and community development pursuant to this section shall be posted on the Tennessee TNInvestco web site that is maintained by the department of economic and community development.

SECTION 17. Tennessee Code Annotated, Section 4-28-111, is amended by adding the following as a new subsection:

(c) The department of economic and community development shall provide the comptroller of the treasury, upon request, a copy of any written findings made in connection with the annual review required under subsection (a) and a copy of the summary of findings provided to the qualified TNInvestco pursuant to subsection (b).

SECTION 18. Tennessee Code Annotated, Section 4-28-112, is amended by deleting the following language:

The department of economic and community development must make an annual report to the governor and the chairs and ranking minority members of the committees having jurisdiction over taxes and economic development.

and by substituting instead the following language:

The department of economic and community development shall make an annual report to the governor, the comptroller of the treasury, the state treasurer, and the chairs and ranking minority members of the committees having jurisdiction over taxes and economic development.

SECTION 19. Tennessee Code Annotated, Section 4-28-112, is amended by designating the current language as subsection (a) and by adding the following as a new subsection (b):

(b) To promote openness and transparency, a copy of each annual report made by the department of economic and community development pursuant to this section

shall be posted on the Tennessee TNInvestco web site that is maintained by the department of economic and community development.

SECTION 20. Tennessee Code Annotated, Section 4-28-113, is amended by adding the following as a new subsection:

(d) The department of economic and community development shall provide the comptroller of the treasury, upon request, a copy of any written findings made in connection with the annual review required under subsection (b).

SECTION 21. Tennessee Code Annotated, Title 4, Chapter 28, is amended by adding the following as a new, appropriately designated section:

4-28-____.

(a) Any qualified TNInvestco that has received an allocation of investment tax credits pursuant to this chapter shall be required to maintain a web site that provides information to the general public about the biographical and professional background of each member of the executive management team of the TNInvestco and of each member of the board or other governing body of the TNInvestco. The qualified TNInvestco shall also provide information to the general public on its web site concerning the availability of capital pursuant to the program established by this chapter.

(b) The department of economic and community development shall maintain at least one web page that provides information to the general public about the TNInvestco program, including internet links to the web sites of each qualified TNInvestco. Each qualified TNInvestco shall maintain an internet link on its web site to the TNInvestco program web page of the department of economic and community development.

SECTION 22. Tennessee Code Annotated, Section 4-28-113(a), is amended by deleting the language "the commissioner of economic development and the commissioner of revenue," and by substituting instead the following:

the commissioner of economic development and the commissioner of revenue, in

consultation with the state treasurer,

SECTION 23. Tennessee Code Annotated, Section 4-28-113(b), is amended by deleting the language ", in consultation with the commissioner of revenue" and by substituting instead the following:

, in consultation with the commissioner of revenue and the state treasurer,

SECTION 24. This act shall take effect upon becoming a law and shall apply to any entity certified as a TNInvestco, and to tax credits awarded, on or after July 9, 2009, the public welfare requiring it.

Amendment No. 1

1 to Amendment 1 to SB3049

Signature of Sponsor

AMEND Senate Bill No. 3049

House Bill No. 2927*

by deleting SECTION 7 and by substituting instead the following:

SECTION 7. Tennessee Code Annotated, Title 4, Chapter 28, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 4-28-_____.

(a) Notwithstanding any law to the contrary, all records, documents, or other information, in whatever form, submitted to, or created or maintained by, the department of revenue or the department of economic and community development pursuant to this chapter, including documents submitted by any TNInvestco, any qualified TNInvestco, or by any person applying for qualification as a TNInvestco or certification as a qualified TNInvestco, shall be considered public and open for inspection by any citizen of this state, pursuant to the procedures set forth in § 10-7-503.

(b) No record, documentary material, or other information submitted to, or created or maintained by, the department of economic and community development pursuant to this chapter may be deemed by the commissioner to be sensitive, pursuant to § 4-3-730(c).

(c) No record, documentary material, or other information submitted to, or created or maintained by, the department of revenue pursuant to this chapter may be deemed to be tax information or tax administration information, as defined by § 67-1-1701(7) or § 67-1-1701(7).

(d) This section shall not be construed to require disclosure of any scientific or technical information that constitutes a trade secret, as defined by § 39-14-138(a)(4).

AND FURTHER AMEND by deleting from the directory language of SECTION 9 the language "and (g)" and by deleting the amendatory language of SECTION 9(g).

Amendment No. 2 to SB3049

**Black
Signature of Sponsor**

AMEND Senate Bill No. 3049

House Bill No. 2927*

by adding the following new section immediately preceding the last section of the bill as amended by amendment (drafting # 1713233) and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 4-28-106(b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(b) Prior to making a proposed qualified investment in a specific business, a qualified TNInvestco must request from the department of economic and community development a written determination that the proposed investment will qualify as a qualified investment in a qualified business or, if applicable, a seed or early stage investment. The department shall notify a qualified TNInvestco within ten (10) business days from the receipt of a request of its determination of approval or disapproval. If the department fails to notify the qualified TNInvestco of its determination of approval or disapproval within ten (10) business days, the proposed investment will be deemed denied by the department.

Amendment No. 3 to SB3049

McNally
Signature of Sponsor

AMEND Senate Bill No. 3049

House Bill No. 2927*

by deleting in its entirety subsection (f) in SECTION 7 of the bill as amended by amendment drafting code #1713233 and by substituting instead the following:

(f)

(1) Any information received, created, or promulgated by the department of economic and community development or the department of revenue pursuant to this section on or after July 9, 2009, shall constitute a public record, as defined in § 10-7-503, and shall be open for personal inspection by any citizen of this state.

(2) Any information received, created, or promulgated by the department of economic and community development or the department of revenue pursuant to this section shall not:

(A) Constitute "tax information" or "tax administration information," as defined in § 67-1-1701, and shall not be subject to the provisions of title 67, chapter 1, part 17; or

(B) Be subject to the provisions of § 4-3-730.

AND FURTHER AMEND by deleting SECTION 9 of the bill as amended by amendment drafting code #1713233 and substituting instead the following:

SECTION 9. Tennessee Code Annotated, Section 4-28-105, is amended by adding the following language as a new subsection (f):

(f) Notwithstanding subsection (d) of this section, the commissioner of revenue and the commissioner of economic and community development are authorized to allocate additional investment tax credits in the total amount of eighty million dollars (\$80,000,000) such that the aggregate amount of

investment tax credits to be allocated under this chapter shall not exceed two hundred million dollars (\$200,000,000). Such additional investment tax credits shall consist of four (4) twenty million dollar (\$20,000,000) allocations, which shall be awarded, respectively, to the four (4) TNInvestcos, chosen as finalists by the commissioner of revenue and the commissioner of economic and community development during the selection process set out in subsections (a) through (e) of this section, that did not receive an allocation of investment tax credits under subsection (d). Final allocation of such tax credits to such TNInvestcos shall occur after the TNInvestcos have obtained irrevocable investment commitments from participating investors and TNInvestco owners in an aggregate amount equal to at least the base investment amount. The tax credits awarded pursuant to this section shall be syndicated in a manner approved by the state treasurer and the commissioner of economic and community development. Any contract to sell tax credits, entered on or after the effective date of this act, in a manner that has not been approved by the state treasurer and the commissioner of economic and community development shall be voidable in the sole discretion of the state treasurer.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 4-28-102(10)(A)(iii)(f), is amended by deleting the language "Direct gambling activities" and by substituting instead the language "Gambling activities".

Amendment No. 4 to SB3049

**Black
Signature of Sponsor**

AMEND Senate Bill No. 3049

House Bill No. 2927*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Title 4, Chapter 28, Part 1, is amended by adding the following language as a new, appropriately designated section thereto:

§ 4-28-1__.

(a) No constitutional officer, elected official in the executive branch, member of the governor's cabinet, or cabinet level staff within the governor's office who ceases service or employment with the state on or after June 1, 2010, shall knowingly accept or receive compensation for services rendered to a qualified TNInvestco within twelve (12) months after such person ceases employment with the state.

(b) The attorney general and reporter may bring an action in the name of the state seeking injunctive relief in the chancery court of Davidson County to restrain any person from violating subsection (a).

(c)

(1)

(A) If the court finds that any constitutional officer, elected official in the executive branch, member of the governor's cabinet, or cabinet level staff within the governor's office has violated subsection (a), the court shall order such person to pay the state a civil penalty of two hundred percent (200%) of the value of any compensation received in violation of subsection (a).

(B) In addition to the penalty set out in subdivision (c)(1)(A), if the court finds that a qualified TNInvestco knowingly offered or provided compensation for services rendered to a constitutional officer, elected official in the executive branch, member of the governor's cabinet, or cabinet level staff within the governor's office in violation of subsection (a), the qualified TNInvestco shall pay the state a civil penalty of two hundred percent (200%) of the value of any compensation provided to such person in violation of subsection (a).

(2) In addition to any other penalty set out in this section, upon a court finding that a person violated subsection (a), the court may also order reimbursement to the state for the reasonable costs and expenses of investigation and prosecution of violations of this section, including attorneys' fees.

(d) For purposes of this section, "compensation" means any salary, fee, payment, reimbursement or other valuable consideration, or any combination thereof.

Amendment No. 5 to SB3049

Beavers
Signature of Sponsor

AMEND Senate Bill No. 3049

House Bill No. 2927*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. There is created a special joint committee to study the Tennessee Small Business Investment Company Credit Act. The committee shall thoroughly review all aspects of the Act's implementation and shall evaluate the desirability of expanding the TNInvestco program.

SECTION 2. The committee shall consist of three (3) members of the House of Representatives and three (3) members of the Senate, to be appointed by the respective speakers.

SECTION 3. All appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

SECTION 4. All legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

SECTION 5. The special joint committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

SECTION 6. The special joint committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Seventh General Assembly no later than February 1, 2011, at which time the committee shall cease to exist.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 6 to SB3049

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3049

House Bill No. 2927*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 4-28-109, is amended by adding the following language as a new, appropriately designated subsection:

()

(1) Following the seventh anniversary of the fund, if any distribution, excluding qualified distributions, will reduce the base investment amount, the TNInvestco shall first make a distribution to the state in an amount equal to any such reduction in the base investment amount, prior to making such other distributions, unless no further assets are available.

(2) This subsection shall only apply to any TNInvestco receiving tax credit allocations pursuant to § 4-28-105(f).

Amendment No. 7 to SB3049

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3049

House Bill No. 2927*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 4-28-109, is amended by adding the following language as a new, appropriately designated subsection:

() Following the seventh anniversary of the fund, if any distribution, excluding qualified distributions, will reduce the base investment amount, the TNInvestco shall first make a distribution to the state in an amount equal to any such reduction in the base investment amount, prior to making such other distributions, unless no further assets are available.

Amendment No. 1 to SB3059

Beavers
Signature of Sponsor

AMEND Senate Bill No. 3059*

House Bill No. 3380

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-9-136, is amended by deleting subdivision (a)(3) and substituting instead the following:

(3) An employee of one (1) of the parties or of an attorney for one of the parties. As used in this subdivision, "employee" includes a person who has a contractual relationship with a person or entity interested in the outcome of the litigation, including anyone who may ultimately be responsible for payment to provide reporting or other court services, and a person who is employed part time or full time under contract or otherwise by a person who has a contractual relationship with a party to provide reporting or other court services;

Amendment No. 2 to SB3059

**Kelsey
Signature of Sponsor**

AMEND Senate Bill No. 3059*

House Bill No. 3380

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-9-136, is amended by deleting subdivision (a)(3) and by substituting instead the following:

(3) An employee of one (1) of the parties or of an attorney for one (1) of the parties. As used in this subdivision, "employee" includes a person who has a contractual relationship with a person or entity interested in the outcome of the litigation, including anyone who may ultimately be responsible for payment to provide reporting or other court services, and a person who is employed part-time or full-time under contract or otherwise by a person who has a contractual relationship with a party to provide reporting or other court services; provided, however, that this subdivision shall not restrict in any way the ability of an attorney or a pro se litigant to hire court reporting services on a case-by-case basis in any case where the attorney is not a party, nor restrict an attorney from reimbursement for such court reporting services;

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB3096

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3096

House Bill No. 3136*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, is amended by adding Sections 2 through 5 as a new Chapter 15.

SECTION 2. This chapter shall be known and may be cited as the "Tennessee Catfish Marketing Law".

SECTION 3. The general assembly finds that aquaculture sales and consumption have increased worldwide and that the use of antibiotics or chemicals not approved for use in food-producing animals in the United States is permitted in aquaculture in other countries and that consumers of aquaculture in Tennessee should be provided clear information as to where the aquaculture product originates to protect the health and welfare of Tennessee consumers. The general assembly further finds that food-misrepresentation or the passing off of less expensive aquaculture products as more expensive aquaculture products to unknowing customers and retailers has become an issue in the marketplace and is a deceitful practice. Consumers and retailers should be informed of the country of origin and species of fish in the marketplace.

SECTION 4. As used in this chapter, unless the context otherwise requires:

(1) "Catfish" means only those species within the family Ictaluridae, Ariidae, Anarchichadidae, or Loricariidae;

(2) "Catfish product" means any item capable of use as human food that is made wholly or in part from any catfish or portion thereof, except products that contain catfish only in small proportions or historically have not been, in the judgment of the commissioner, considered by consumers as products of the United States commercial catfish industry and that are exempted from definition as a catfish product by the commissioner under such conditions as he may prescribe to assure that the catfish or

portions thereof contained therein are not adulterated and that such products are not represented as catfish products. Catfish product shall be deemed capable of use as human food unless it is denatured or otherwise identified as required by regulations prescribed by the commissioner to deter its use as human food, or unless it is naturally inedible to humans;

(3) "Direct retail sale" means the sale of catfish, catfish products, siluriformes, or siluriforme products individually or in small quantities directly to the consumer;

(4) "Distributor" means any person offering for sale, exchange, or barter any catfish, catfish products, siluriformes, or siluriforme products destined for direct retail sale in this state;

(5) "Farm-raised catfish" means a catfish that has been specifically produced in fresh water according to the usual and customary techniques of commercial aquaculture and includes fillets, steaks, nuggets, and any other flesh from a farm-raised catfish;

(6) "Food service establishment" means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public;

(7) "Label" means a display of written, printed, or graphic matter upon or affixed to the container or wrapper in which catfish, catfish products, siluriformes, or siluriforme products are offered for direct retail sale;

(8) "Labeling" means all labels and other written, printed, or graphic matter upon a catfish, catfish product, siluriforme, or siluriforme product or any of its containers or wrappers, offered for direct retail sale;

(9) "Menu" means any listing of food and beverage options for a diner or customer to select from regardless of its form;

(10) "Person" includes any individual, partnership, corporation, and association, or other legal entity;

(11) "Processor" means any person engaged in handling, storing, preparing, manufacturing, packing, or holding catfish, catfish products, siluriformes, or siluriforme products;

(12) "Producer" means any person engaged in the business of harvesting catfish or siluriformes, by any method, intended for direct retail sale;

(13) "Product name" means the name of the catfish, catfish product, siluriforme, or siluriforme product intended for retail sale which identifies it as to kind, class, or specific use;

(14) "Retailer" means any person offering for sale catfish, catfish products, siluriformes, or siluriforme products to individual consumers and representing the last sale prior to human consumption and includes food service establishments unless otherwise stated in this chapter;

(15) "River or lake catfish" means a catfish that has been produced in a freshwater lake, river, or stream, but has not been produced according to the usual and customary techniques of commercial aquaculture;

(16) "Siluriforme" means fish in the taxonomic order Siluriformes and including those within the taxonomic families Siluridae, Clariidae, and Pangasiidae and those commonly known as basa and tra;

(17) "Siluriforme product" means any item capable of use as human food which is made wholly or in part from any siluriforme or portion thereof. "Siluriforme product" shall be deemed capable of use as human food unless it is denatured or otherwise identified as required by regulations prescribed by the commissioner to deter its use as human food, or unless it is naturally inedible to humans; and

(18) "Wholesaler" means any person offering for sale any catfish, catfish products, siluriformes, or siluriforme products destined for direct retail sale in this state.

SECTION 5.

(a) All retailers of catfish, catfish products, siluriformes, or siluriforme products shall notify consumers, at the final point of sale of the catfish, catfish products,

siluriformes, or siluriforme products to the consumers, of the country of origin of the catfish, catfish products, siluriformes, or siluriforme products.

(b) A retailer of catfish or catfish products may designate the catfish or catfish product as having a United States country of origin only if:

(1) It is hatched, raised, harvested, and processed in the United States, in the case of farm-raised catfish; or

(2) It is harvested in waters of the United States or a territory of the United States and is processed in the United States or a territory of the United States, in the case of river or lake catfish.

(c) The notice of country of origin for catfish shall distinguish between farm raised or wild caught.

(d)

(1) Retailers shall notify consumers of the country of origin of the catfish, catfish products, siluriformes, or siluriforme products by means of a label, stamp, mark, placard, or other clear and visible sign on the catfish, catfish products, siluriformes, or siluriforme products, or on the package, display, holding unit, or bin containing the catfish, catfish products, siluriformes, or siluriforme products at the final point of sale to consumers.

(2) If the catfish, catfish products, siluriformes, or siluriforme products are already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with the requirements of this chapter.

(e)

(1) No owner or manager of a food service establishment that sells imported catfish shall misrepresent to the public, either verbally, on a menu, or on signs displayed on the premises, that the catfish is domestic.

(2) If the food service establishment offers for sale only catfish or catfish products having a United States country of origin, it shall notify consumers of

such information with a sign placed in a prominent location in the food service establishment. The food service establishment shall also include such information on its menus; provided, however, this requirement shall only apply when the food service establishment replaces or revises its menus in the normal course of business.

(3) If the food service establishment offers for sale imported catfish or catfish products, it shall disclose such information to consumers on its menus; provided, however, this requirement shall only apply when the food service establishment replaces or revises its menus in the normal course of business.

(f) Any distributor or wholesaler engaged in the business of supplying catfish, catfish products, siluriformes, or siluriforme products to a retailer or food service establishment shall provide information to the retailer or food service establishment indicating the country of origin of the catfish or siluriformes or the country of origin of the catfish or siluriformes used in making the catfish product or siluriforme product. The information shall include certification of origin through a state or federal agency that regulates the processing of catfish, catfish products, siluriformes, or siluriforme products or through a federal agency that verifies catfish, catfish products, siluriformes, or siluriforme products produced in countries other than the United States that meet similar sanitation requirements.

(g)

(1) Advertising of any catfish, catfish product, siluriformes, or siluriforme products shall notify consumers of the country of origin of the catfish, catfish products, siluriformes, or siluriforme products.

(2) The term "catfish" shall not be used as a common name or brand name or used to advertise, distribute, or label any other fish or fish product except for those species defined as "catfish" or "catfish product" in Section 4 of this act.

(3) It is a violation of this chapter to use the term "catfish" in the advertising, distributing, labeling, or selling of any of those species within the family of Siluridae, Clariidae, and Pangasiidae or any other fish not defined as "catfish" or "catfish product" in Section 4 of this act.

(h) This chapter shall not apply to catfish or catfish products exported out of the United States.

SECTION 6. Tennessee Code Annotated, Section 53-1-115, is amended by deleting the section in its entirety.

SECTION 7. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 2 to SB3096

McNally
Signature of Sponsor

AMEND Senate Bill No. 3096

House Bill No. 3136*

by deleting in its entirety SECTION 6 of the printed bill, as amended by the amendment with drafting number 01740896 and by renumbering the subsequent section accordingly.

Amendment No. 3 to SB3096

McNally
Signature of Sponsor

AMEND Senate Bill No. 3096

House Bill No. 3136*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, Part 1, is amended by adding a new section thereto:

§ 53-1-116.

Any food service establishment, as defined in § 68-14-302, that sells catfish or catfish products that have been imported from outside the United States shall label such products as “imported” on the menu.

SECTION 2. This shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB3110

Beavers
Signature of Sponsor

AMEND Senate Bill No. 3110*

House Bill No. 3385

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 20-9-603, is amended by adding the following new subsection (c):

(c) Notwithstanding any law to the contrary, a licensed court reporter is not required to be a notary public to record any court proceeding, administrative law proceeding, deposition or any other proceeding. A transcript taken and submitted by a licensed court reporter is not required to be notarized. A licensed court reporter is authorized to administer oaths and swear in witnesses.

SECTION 2. Tennessee Code Annotated, Section 20-9-603, is amended by adding the following new subsection (d):

(d) This part shall not apply to court reporting services paid for by a federal agency or other instrumentality of the United States.

SECTION 3. Tennessee Code Annotated, Section 20-9-608, is amended by deleting the language "January 1, 2010" and substituting instead the language "January 1, 2011".

SECTION 4. Tennessee Code Annotated, Section 20-9-611, is amended by inserting the following between the first and second sentences:

All licenses shall expire June 30 in the year of expiration and all renewals will be effective July 1; provided, however, an initial license not issued on July 1 shall be valid from the date of issuance until June 30 of the second year from the June 30 preceding the date of issuance. The board shall impose a prorated fee for any license that is for a period less than twenty-four (24) months.

SECTION 5. Tennessee Code Annotated, Section 20-9-613, is amended by deleting the language “on July 1, 2009” wherever it appears and substituting instead the language “on or before January 1, 2010”.

SECTION 6. Tennessee Code Annotated, Section 20-9-613(a) is amended by deleting the present subsection (a) and substituting instead the following new subsection (a) and adding a new subsection (c):

(a) Any person who is engaged in the practice of court reporting on or before January 1, 2010 and who:

(1) Provides to the board an affidavit setting forth past education and work experience as a court reporter and:

(A) An affidavit of a judge for whom the person has worked as an official court reporter;

(B) Affidavits of three (3) licensed attorneys; or

(C) Affidavits of two (2) licensed attorneys and one (1) court reporting firm owner, unrelated by blood or marriage to the person, and who have utilized the services of the court reporter or the affidavit of the court reporting firm owner may state that the applicant has engaged in the practice of court reporting, which attest to the court reporter’s proficiency in court reporting;

(2) Provides proof of passage of the National Court Reporters Association Registered Professional Reporter examination, the National Verbatim Reporters Association Certified Verbatim Reporter examination, or the American Association of Electronic Reporters and transcribers Certified Electronic Court Reporter Examination; or

(3) Provides proof of a court reporter license issued by any state; provided, that the state has the same or more stringent requirements of this chapter; and upon payment of a fee in an amount determined by the board, shall be licensed to practice as a court reporter.

(c) The deadline for receiving applications under subsections (a) and (b) of this section shall be July 1, 2011.

SECTION 7. Tennessee Code Annotated, Section 20-9-608 is amended by deleting the language “one thousand dollars (\$1,000)” and substituting instead the language “five hundred dollars (\$500)”.

SECTION 8. Tennessee Code Annotated, Section 20-9-616(c), is amended by deleting the period at the end of the subsection and by adding the following language:

; except for the initial expenses of the board prior to the collection of licensure fees sufficient to defray such expenses.

SECTION 9. Tennessee Code Annotated, Section 24-9-135, is amended by adding the following new subdivision (3) and re-numbering the existing subdivisions accordingly:

(3) A licensed court reporter;

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB3110

Beavers
Signature of Sponsor

AMEND Senate Bill No. 3110*

House Bill No. 3385

by deleting Section 10 and substituting instead the following sections:

SECTION 10. Tennessee Code Annotated, Section 20-9-603, is amended by adding the following new subsection (e):

(e) This part shall not apply to court reporting services provided pursuant to title 40.

SECTION 11. Tennessee Code Annotated, Section 20-9-604(b), is amended by deleting the words “official court reporter employed by the state” and substituting instead the words “court reporter”.

SECTION 12. Tennessee Code Annotated, Section 20-9-605(4), is amended by deleting all language following the semi-colon after the word “licenses”.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB3174

Ketron
Signature of Sponsor

AMEND Senate Bill No. 3174

House Bill No. 3190*

By deleting the language "(c)" from Section 1 and by substituting instead the language "(d)".

Amendment No. 1 to SB3198

**Kelsey
Signature of Sponsor**

AMEND Senate Bill No. 3198

House Bill No. 3182*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Corporate Expenditure Disclosure Act".

SECTION 2. Tennessee Code Annotated, Section 2-19-132, is amended by deleting such section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 2-19-133, is amended by deleting such section in its entirety.

SECTION 4. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following as a new, appropriately designated section:

2-10-1__.

(a) No corporation shall use any of the funds, moneys, or credits of the corporation for the purpose of making contributions to any candidate with respect to any election.

(b) A violation of this section is a Class C misdemeanor.

SECTION 5. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following as a new, appropriately designated section:

2-10-1__.

(a) As used in this section, "independent expenditure" means money spent for a communication expressly advocating the election or defeat of a clearly identified

candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request of, or suggestion of, a candidate or any agent or authorized committee of the candidate.

(b) Any corporation making independent expenditures totaling more than one thousand dollars (\$1,000) with respect to any election shall be required to electronically file expenditure statements with the registry of election finance every ten (10) days once the corporation's expenditures total one thousand dollars (\$1,000). Such statements shall be made available on the registry's web site within forty-eight (48) hours. Each statement required by this subsection (b) shall include transactions occurring since the preceding statement. The registry shall develop appropriate forms for a corporation to file expenditure statements and make such forms available on the registry's web site.

(c) The expenditure statements filed with the registry of election finance shall include the following information:

(1) Name, address, telephone number, city, state, zip code and email address of the corporation;

(2) Summary of independent expenditures showing the aggregate amount; and

(3) Itemized independent expenditures made, including the full name and address of each person to whom a total amount of more than one hundred dollars (\$100) was paid during the period for which the statement is submitted, the total amount paid to that person, and the purpose of the payment. The words "reimbursement", "credit card purchase", "other" and "campaign expense" shall not be considered acceptable descriptions for "purpose". Any purchase made with a credit card shall also be disclosed as a payment to the vendor providing the item or service. Credit card payments to separate vendors shall be disclosed as separate expenditures. The statement shall list the total amount of

expenditures of one hundred dollars (\$100) or less each, by category, without showing the exact amount of or vouching for each such expenditure.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB3198

Ketron
Signature of Sponsor

AMEND Senate Bill No. 3198*

House Bill No. 3182

by deleting all language following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 2-19-132, is amended by deleting such section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 2-19-133, is amended by deleting such section in its entirety.

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following as a new, appropriately designated section:

2-10-1__.

(a) No corporation shall use any of the funds, moneys, or credits of the corporation for the purpose of making contributions to any candidate with respect to any election.

(b) A violation of this section is a Class C misdemeanor.

SECTION 4. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following as a new, appropriately designated section:

2-10-1__.

Notwithstanding any other provision of law to the contrary, a corporation that uses corporate funds, moneys or credits for communications expressly advocating the election or defeat of a clearly identified candidate which is not

made with the cooperation or with the prior consent of, or in consultation with, or at the request of, or suggestion of, a candidate or any agent or authorized committee of the candidate shall be considered a political campaign committee for purposes of reporting such expenditures. The corporation shall be required to file reports required by § 2-10-105(c)(1) and an appointment of treasurer form.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 3 to SB3198

Ketron
Signature of Sponsor

AMEND Senate Bill No. 3198

House Bill No. 3182*

by adding the following language as a new subsection (b) in the amendatory language of SECTION 3 and redesignating the existing subsection (b) as subsection (c):

(b) The prohibition of subsection (a) does not apply to a contribution made by a national committee of a political party as defined in 2 U.S.C. § 431(14) and (16), which has incorporated in accordance with 11 C.F.R. § 114.12(a), when such committee contributes to a state political party executive committee, established by chapter 13, part 1 of this title, if the funds contributed do not contain any corporate contributions to the national committee of the political party.

Amendment No. 4 to SB3198

**Ketron
Signature of Sponsor**

AMEND Senate Bill No. 3198

House Bill No. 3182*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Amendment No. 5 to SB3198

Finney L
Signature of Sponsor

AMEND Senate Bill No. 3198

House Bill No. 3182*

By deleting the language "which is not made with the cooperation" in the amendatory language of SECTION 4 and substituting instead the language "which funds, moneys or credits are not used with the cooperation".

Amendment No. 1 to SB3333

McNally
Signature of Sponsor

AMEND Senate Bill No. 3333

House Bill No. 3504*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-69-103(6), is amended by deleting the semicolon at the end of subsection (6) and by adding the following language:

, and “governmental electric system” may, at the election of the G&T cooperative for purposes of membership in the G&T cooperative, include the Tennessee Valley Authority, all as provided in the bylaws of the G&T cooperative.

SECTION 2. Tennessee Code Annotated, Section 48-69-106(b), is amended by adding the following language as a new subdivision:

(13) Enter into one (1) or more agreements providing for the making of payments in lieu of taxation to any state or local taxing jurisdiction within or outside this state to the extent that the G&T cooperative’s wholesale sale of capacity and energy to a member or patron of the G&T cooperative results in a diminution in payments in lieu of taxation from the Tennessee Valley Authority to such state and local governments. For purposes of this subdivision (b)(13), “payments in lieu of taxation” means payments made by the Tennessee Valley Authority to state and local governments on account of its gross proceeds under § 13 of the Tennessee Valley Authority Act of 1933, compiled in 16 U.S.C. §831l. All such payments shall be ordinary operating expenses of the G&T cooperative.

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 4, is amended by adding the following as a new part:

§ 67-4-3101.

(a) It is the intention of this part to establish an obligation to make in lieu of tax payments to help keep Tennessee and its local governments whole from any diminution in the in lieu of tax payments paid by the Tennessee Valley Authority on account of the provision of wholesale electric current to municipal utilities, electric cooperatives and other similar entities for resale within the state by sources other than the Tennessee Valley Authority. Accordingly, each person, including each governmental and cooperatively organized person, engaged in the business of making covered wholesale sales of electric current to a municipality, electric cooperative or other similar customer shall, for the privilege of doing such business, remit to the state for state purposes a payment in lieu of tax in an amount to be calculated in accordance with subsection (b).

(b)

(1) For purposes of this section:

(A) "Covered wholesale sales of electric current" means wholesale sales of electric current for resale within any area where the Tennessee Valley Authority is the primary source of wholesale power as of the effective date of this act;

(B) "Gross receipts" means the total gross receipts derived from all covered wholesale sales of electric current;

(C) "Tennessee apportioned gross receipts" means gross receipts multiplied by a ratio obtained by taking the arithmetical average of the following two ratios:

(i) The percentage by which the gross receipts derived from covered wholesale sales of electric current occurring within Tennessee bears to the total gross receipts derived from all covered wholesale sales of electric current; and

(ii) The percentage by which the book value of the power property held in Tennessee by the seller of covered

wholesale sales of electric current bears to the book value of all power property held by the seller of covered wholesale sales of electric current. The book value of power property shall include that portion of the investment allocated or estimated to be allocable to power.

(2) The payment in lieu of tax required pursuant to subsection (a) shall equal five percent (5%) of the Tennessee apportioned gross receipts of the person making covered wholesale sales of electric current.

(c) There shall be credited upon the in lieu of tax payments required by this section any taxes paid pursuant to parts 3, 4, 20, or 21 of chapter 4 of this title by or on behalf of the person engaged in a covered wholesale sale of electric current on account of the ownership or operation of electric generation facilities and other property used to generate, transmit or distribute such electric current. There shall be further credited upon the in lieu of tax payments required by this section any ad valorem taxes or payments in lieu of ad valorem taxes paid to the state of Tennessee or local governments within the state by or on behalf of the person engaged in a covered wholesale sale of electric current on account of the ownership or operation of electric generation facilities and other property used to generate, transmit or distribute such electric current.

(d) If the person making covered wholesale sales of electric current does not make the required in lieu of tax payment calculated in accordance with subsections (b) and (c), then each municipality, electric cooperative or other similar customer engaged in making use of covered wholesale sales of electric current shall be responsible for making such payment in lieu of taxes applicable to the customer's use of such power and energy. Only one (1) in lieu of tax payment shall be required for a single sale and use of a covered wholesale sale of electric current.

(e) This section and the required in lieu of tax payments do not apply to any wholesale sale of electric current to or by the Tennessee Valley Authority or to any power property held by or attributed to the Tennessee Valley Authority.

(f) Any in lieu of tax payment collected pursuant to this section shall be added to the amounts received by the state from payments in lieu of taxes from the Tennessee Valley Authority and the combined amount shall then be distributed according to the provisions of § 67-9-101.

(g) Except as otherwise specifically provided in this section, the in lieu of tax obligations required by this section shall be administered and collected in the same manner as privilege taxes are administered and collected under part 3 of this chapter.

SECTION 4. The Tennessee advisory commission on intergovernmental relations is directed to continue to monitor, within existing resources, whether the current wholesale power supply arrangements between the Tennessee Valley Authority and municipal utilities and electric cooperatives are likely to change in the future in a way that could affect payments in lieu of taxes from the Tennessee Valley Authority to the state and to its local governments. No later than February 1, 2011 and annually thereafter, the Tennessee advisory commission on intergovernmental relations shall report written findings to the commerce, labor and agriculture committee of the senate; the commerce committee of the house of representatives; the finance, ways and means committee of the senate; and the finance, ways and means committee of the house of representatives. The report shall include recommendations, if any, on adjustments to the state tax system that would keep the state and local governments whole from such future changes.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB3398

McNally
Signature of Sponsor

AMEND Senate Bill No. 3398*

House Bill No. 3660

By deleting Section 5 in its entirety and by substituting instead the following:

SECTION 5. This act shall become operative only if the cost of the manufacture and installation of such signs is paid to the department of transportation by Davidson County within one (1) year of the effective date of this act. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Davidson County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department by Davidson County within thirty (30) days of the county receiving an itemized invoice of the actual cost from the department.

Amendment No. 1 to SB3415

Ketron
Signature of Sponsor

AMEND Senate Bill No. 3415

House Bill No. 3443*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-20-202, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) For the purposes of this section and the implementation of redevelopment districts as delineated in this part, a development authority created by private act and designated by a municipality as its housing and redevelopment authority for purposes of this part shall also be considered a housing authority and shall have the power to enter into an economic development agreement as defined in § 4-17-302(2) and the power as delineated this section, in which housing authority redevelopment powers are vested, as long as public notice required in § 13-20-203 is provided; provided, however, a municipality shall not so designate a development authority without first obtaining the written consent of the housing authority, if any, created by the municipality. The powers of the authority created pursuant to any such private act are hereby expanded to specifically include all powers that housing authorities have pursuant to this part. Any redevelopment plan previously prepared by a development authority created pursuant to any such private act and approved by a municipality shall be deemed authorized by this subsection (c) and shall be deemed a valid redevelopment plan for purposes of this part.

SECTION 2. Tennessee Code Annotated, Section 13-20-205(a)(1), is amended by designating the present language as new subdivision (a)(1)(A) and by adding the following language as new subdivision (a)(1)(B):

(B)

(i) A redevelopment plan that includes a tax increment financing provision shall be deemed to authorize an authority to designate one (1) or more parcels

that are within the area subject to the redevelopment plan at one (1) or more times to be subject to tax increment financing provisions and the allocations provided herein, and in such case, all allocations and payments of incremental tax revenues for purposes of this part shall be made based upon the parcel or parcels of property so designated as being subject to the tax increment financing provision. If multiple parcels of property or an entire area subject to a redevelopment plan is subject to a tax increment financing provision and the allocations provided herein, then the base assessment shall be the sum of the assessed values calculated as provided above of each parcel subject to the tax increment financing provision unless the applicable taxing authority and authority agree to a calculation of incremental tax revenues based upon each parcel separately instead of based upon a collective calculation. By agreement of any applicable taxing authority and an authority, the base assessment with respect to any parcel of property subject to a tax increment financing provision may be the taxes assessed by the taxing authority as to such parcel in the year immediately prior to the approval of the redevelopment plan or the amendment thereto authorizing tax increment financing with respect to such parcel by such taxing authority; provided, that any such agreement shall not affect the calculation or allocation of incremental tax revenues with respect to any parcel with respect to which the incremental tax revenues have been pledged to the payment of indebtedness of the authority unless the holder of such indebtedness consents to the calculation of the base assessment in such a manner. A taxing authority and an authority may, by agreement, provide for less than the entire amount of incremental tax revenues that would otherwise be allocated to the authority pursuant to this part to be allocated to the authority and may provide that an authority may retain a reasonable portion of any incremental tax revenues payable hereunder to the authority, not to exceed five percent (5%) of such revenues, to be used for payment of expenses of the authority, including a

reasonable allocation of overhead expenses, to administer the tax increment financing. Any taxing authority and an authority may also agree upon, approve and amend policies and procedures for allocating and calculating tax increment revenues and implementing tax increment financing provisions in redevelopment plans; provided, that such policies and/or procedures do not conflict with the provisions of this chapter;

(ii) This subdivision (a)(1)(B) shall cease to be effective on July 1, 2012, unless extended by the general assembly prior to such date.

SECTION 3. Tennessee Code Annotated, Section 13-20-205, is amended by adding the following language to the end of subdivision (a)(2):

provided, however, a taxing authority may elect to make a single annual payment of incremental tax revenues from all or any portion of an area subject to a redevelopment plan collected prior to such date into the special fund of the authority within thirty (30) days of the date on which taxes are due to such taxing authority; and provided further, that the taxing authority and the authority may agree in writing that such revenues shall be paid on any date so agreed upon and shall agree on a procedure for the payment of delinquent taxes collected by the taxing authority within a certain time of the collection of such taxes. Unless the taxing authority and authority agree otherwise, the taxing authority shall pay to the authority a pro-rata share of the interest on delinquent taxes as it is collected based upon the portion of the interest on delinquent taxes allocable to the incremental tax revenues;

SECTION 4. Section 3 shall cease to be effective on July 1, 2012, unless extended by the general assembly prior to such date.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

Amendment No. 2 to SB3415

McNally
Signature of Sponsor

AMEND Senate Bill No. 3415

House Bill No. 3443*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-20-202, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) For the purposes of this part, a development authority created by private act and designated by a municipality as its housing and redevelopment authority for purposes of this part shall also be considered a housing authority and shall have the power to enter into an economic development agreement as defined in § 4-17-302(2) and the powers delineated in this part, in which housing authority redevelopment powers are vested, as long as public notice required in § 13-20-203 is provided; provided, however, a municipality shall not so designate a development authority if the housing authority, if any, created by the municipality has ever issued any obligations secured by tax increment revenues and in any event such designation shall only be effective if the municipality shall first obtain the written consent of the housing authority, if any, created by the municipality. Any redevelopment plan previously prepared by a development authority created pursuant to any such private act and approved by a municipality shall be deemed authorized by this subsection (c) and shall be deemed a valid redevelopment plan for purposes of this part.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Amendment No. 1 to SB3431

Beavers
Signature of Sponsor

AMEND Senate Bill No. 3431

House Bill No. 2813*

By deleting SECTION 3 in its entirety and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 40-35-501, is amended by designating subdivision (k)(1) as (k)(2) and by adding the following new (k)(1):

(1) There shall be no release eligibility for a person committing aggravated robbery, as defined in § 39-13-402(a)(1), on or after July 1, 2010, until the person has served eighty-nine percent (89%) of the sentence imposed by the court less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236, or any other provision of law, shall operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

Amendment No. 2 to SB3431

Beavers
Signature of Sponsor

AMEND Senate Bill No. 3431

House Bill No. 2813*

By deleting subdivisions (3), (7) and (10) of subsection (d) of Section 40-35-122 of the
amendatory language of SECTION 2 and substituting instead the following:

(d) As used in this section, a “non-violent property offense” is:

(3) Criminal simulation under § 39-14-115, where the amount is less than one
thousand dollars (\$1,000) ;

(7) Shoplifting under §§ 39-14-103 or 39-14-146, where the amount taken is
less than one thousand dollars (\$1,000);

(10) Passing forged checks under § 39-14-114, where the amount of the forgery
is less than one thousand dollars (\$1,000);

Amendment No. 3 to SB3431

Beavers
Signature of Sponsor

AMEND Senate Bill No. 3431

House Bill No. 2813*

By deleting subsection (b) of Section 40-35-122 of the amendatory language of SECTION 1 and substituting instead the following:

(b) A defendant convicted of an offense set out in subsection (d) may be sentenced to a period of continuous confinement if, after a hearing, the sentencing court determines that the defendant has two (2) or more convictions for any of such offenses and is not a suitable candidate for community corrections, probation, pre-trial diversion or judicial diversion.

Amendment No. 4 to SB3431

Beavers
Signature of Sponsor

AMEND SB 3431

HB 2813

By deleting subsection (b) of Section 40-35-122 of the amendatory language of SECTION 2 and substituting instead the following:

(b) A defendant convicted of an offense set out in subsection (d) may be sentenced to a period of continuous confinement if, after a hearing, the sentencing court determines that the defendant has two (2) or more convictions for any of such offenses and is not a suitable candidate for community corrections, probation, pre-trial diversion or judicial diversion.

Amendment No. 5 to SB3431

McNally
Signature of Sponsor

AMEND Senate Bill No. 3431

House Bill No. 2813*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The General Assembly finds and declares that deterrence and punishment of violent crime is a matter of compelling public interest that requires the highest priority in allocating scarce public resources for imprisonment. To make prison space available to ensure that these violent offenders serve a sentence of sufficient length to remove them as a threat to society and to deter others from committing these offenses, it is in the public's best interest that certain non-violent property offenders currently serving prison sentences for less serious offenses be given alternative sentences not involving incarceration. By doing so, the property offenders are able to work in order to pay restitution to the victims of their crimes without threatening public safety thereby permitting longer sentences for those offenders who do threaten public safety.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following as a new section:

Section 40-35-122

(a) Notwithstanding any provision of law to the contrary, except as provided in subsection (b), the judge sentencing a defendant who commits a non-violent property offense, as defined in subsection (c), on or after July 1, 2010, shall not be authorized to impose the sentencing alternatives of continuous confinement in a local jail or the department of correction as authorized by § 40-

35-104(c)(5), (c)(6), or (c)(8). However, the judge may sentence the defendant to any of the other sentencing alternatives authorized by § 40-35-104(c), which include, but are not limited to, periodic confinement, work release, community corrections, probation, or judicial diversion.

(b) A defendant convicted of an offense listed in subsection (c) may be sentenced to a period of continuous confinement if the sentencing court determines:

(1)

(A) The defendant has one (1) or more previous convictions, at least one (1) of which is for an offense listed in subsection (c); and

(B) Using the applicable criteria, the available sentencing alternatives set out in § 40-35-104(c) that do not involve continuous incarceration are unsuitable for the defendant.

(2) As used in this subsection, "previous conviction" means a conviction which occurred at any time prior to sentencing for the instant offense. "Previous conviction" does not include a conviction which resulted from the same trial or plea agreement as the conviction for the instant offense or a conviction for an offense that was committed during the same twenty-four (24) hour period as the instant offense.

(c) As used in this section, a "non-violent property offense" is:

(1) Forgery under § 39-14-114, where the amount of the forgery is less than one thousand dollars (\$1,000);

(2) Attempted forgery under §§ 39-12-101 and 39-14-114, where the amount of the forgery is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(3) Criminal simulation under § 39-14-115, where the amount is less than one thousand dollars (\$1,000) ;

(4) Attempted criminal simulation under §§ 39-12-101 and 39-14-115, where the amount is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(5) Facilitating criminal simulation under §§ 39-11-403 and 39-14-115, where the amount is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(6) Felony theft of services under § 39-14-104, where the amount of the theft is less than one thousand dollars (\$1,000);

(7) Shoplifting under §§ 39-14-103 or 39-14-146, where the amount taken is less than one thousand dollars (\$1,000);

(8) Felony fraudulent use of a credit card under § 39-14-118, where the amount of the theft is less than one thousand dollars (\$1,000);

(9) Felony passing worthless checks under § 39-14-121 where the amount of the check is less than one thousand dollars (\$1,000);

(10) Passing forged checks under § 39-14-114, where the amount of the forgery is less than one thousand dollars (\$1,000);

(11) Felony theft of property under § 39-14-103, where the amount of the theft is less than one thousand dollars (\$1,000);

(12) Attempted theft of property under §§ 39-12-101 and 39-14-103, where the amount of the attempted theft is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(13) Facilitating the theft of property under §§ 39-11-403 and 39-14-103, where the amount of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(14) Conspiracy to commit theft of property under §§ 39-12-103 and 39-14-103, where the amount of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(15) Felony vandalism under § 39-14-408, where the amount of the vandalism is less than one thousand dollars (\$1,000);

(16) Fraudulent transfer of a motor vehicle under § 39-14-147;

(17) Attempted burglary other than a habitation under §§ 39-12-101 and 39-14-402(a)(1), (a)(2) or (a)(3);

(18) Burglary of an auto under § 39-14-402(a)(4); and

(19) Burning personal property under § 39-14-303.

SECTION 3. Tennessee Code Annotated, Section 40-35-501, is amended by designating subdivision (k)(1) as (k)(2) and by adding the following new (k)(1):

There shall be no release eligibility for a person committing aggravated robbery, as defined in § 39-13-402(a)(1), on or after July 1, 2010, until the person has served eighty-nine percent (89%) of the sentence imposed by the court less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236, or any other provision of law, shall operate to reduce below seventy-four percent (74%) the percentage of sentence imposed by the court such person must serve before becoming release eligible.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 6 to SB3431

**Norris
Signature of Sponsor**

AMEND Senate Bill No. 3431

House Bill No. 2813*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The General Assembly finds and declares that deterrence and punishment of violent crime is a matter of compelling public interest that requires the highest priority when allocating scarce public resources for the purpose of imprisoning criminals. To ensure that sufficient prison space is available for certain violent offenders to serve a sentence of sufficient length to longer remove them as a threat to society and to deter others from committing these offenses, it is in the public's best interest that certain non-violent property offenders currently serving prison sentences for less serious offenses be given alternative sentences not involving continuous confinement. By doing so, these property offenders are able to work in order to pay restitution to the victims of their crimes without using scarce prison beds thereby permitting longer sentences for those offenders who do threaten public safety.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following as a new section:

Section 40-35-122

(a) Notwithstanding any provision of law to the contrary, except as provided in subsection (b), the judge sentencing a defendant who commits a non-violent property offense, as defined in subsection (c), on or after July 1, 2010, shall not be authorized to impose the sentencing alternatives of continuous confinement in a local jail or the department of correction as authorized by § 40-

35-104(c)(5), (c)(6), or (c)(8). However, the judge may sentence the defendant to any of the other sentencing alternatives authorized by § 40-35-104(c), which include, but are not limited to, periodic confinement, work release, community corrections, probation, or judicial diversion.

(b)

(1) A defendant convicted of an offense set out in subsection (c) may be sentenced to any of the sentencing alternatives authorized by § 40-35-104(c), including a period of continuous confinement, if the sentencing judge determines the defendant:

(A) Has at least one (1) prior conviction at the time the subsection (c) offense is committed; or

(B) Violated the terms and conditions of the alternative sentence originally imposed upon the defendant pursuant to subsection (a).

(2) As used in this subsection:

(A) "Prior conviction" means that the defendant serves and is released or discharged from, is serving, or is on escape status from a separate period of incarceration or supervision for the commission of a felony offense prior to or at the time of committing an offense on or after July 1, 2010, listed in subsection (c);

(B) "Prior conviction" includes convictions under the laws of any other state, government or country that, if committed in this state, would constitute a felony. If an offense in a jurisdiction other than Tennessee is not identified as a felony in this state, it shall be

considered a prior conviction if the elements of the offense are the same as the elements for a felony offense in this state; and

(C) "Separate period of incarceration or supervision"

includes a sentence to any of the sentencing alternatives set out in § 40-35-104(c)(3)-(9).

(c) As used in this section, a "non-violent property offense" is:

(1) Forgery under § 39-14-114, where the amount of the forgery is less than one thousand dollars (\$1,000);

(2) Attempted forgery under §§ 39-12-101 and 39-14-114, where the amount of the forgery is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(3) Criminal simulation under § 39-14-115, where the amount is less than one thousand dollars (\$1,000) ;

(4) Attempted criminal simulation under §§ 39-12-101 and 39-14-115, where the amount is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(5) Facilitating criminal simulation under §§ 39-11-403 and 39-14-115, where the amount is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(6) Felony theft of services under § 39-14-104, where the amount of the theft is less than one thousand dollars (\$1,000);

(7) Shoplifting under §§ 39-14-103 or 39-14-146, where the amount taken is less than one thousand dollars (\$1,000);

(8) Felony fraudulent use of a credit card under § 39-14-118, where the amount of the theft is less than one thousand dollars (\$1,000);

- (9) Felony passing worthless checks under § 39-14-121 where the amount of the check is less than one thousand dollars (\$1,000);
- (10) Passing forged checks under § 39-14-114, where the amount of the forgery is less than one thousand dollars (\$1,000);
- (11) Felony theft of property under § 39-14-103, where the amount of the theft is less than one thousand dollars (\$1,000);
- (12) Attempted theft of property under §§ 39-12-101 and 39-14-103, where the amount of the attempted theft is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);
- (13) Facilitating the theft of property under §§ 39-11-403 and 39-14-103, where the amount of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);
- (14) Conspiracy to commit theft of property under §§ 39-12-103 and 39-14-103, where the amount of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);
- (15) Felony vandalism under § 39-14-408, where the amount of the vandalism is less than one thousand dollars (\$1,000);
- (16) Fraudulent transfer of a motor vehicle under § 39-14-147;
- (17) Attempted burglary other than a habitation under §§ 39-12-101 and 39-14-402(a)(1), (a)(2) or (a)(3);
- (18) Burglary of an auto under § 39-14-402(a)(4); and
- (19) Burning personal property under § 39-14-303.

SECTION 3. Tennessee Code Annotated, Section 40-35-501, is amended by designating subdivision (k)(1) as (k)(2) and by adding the following new (k)(1):

There shall be no release eligibility for a person committing aggravated robbery, as defined in § 39-13-402(a)(1), on or after July 1, 2010, until the person

has served eighty-five percent (85%) of the sentence imposed by the court less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236, or any other provision of law, shall operate to reduce below seventy percent (70%) the percentage of sentence imposed by the court such person must serve before becoming release eligible.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB3518

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3518

House Bill No. 3421*

by deleting Section 1(6)(A) of the printed bill and by substituting instead the following:

(A) The full nine digit social security number of the claimant shall be omitted from the check and the check stub or other document included in the envelope which contains the check, however, the redacted last four digits of the social security number shall be permitted; and

AND FURTHER AMEND by deleting Section 2 of the printed bill and by substituting instead the following:

SECTION 2. This act shall take effect one year after becoming law, the public welfare requiring it.

Amendment No. 2 to SB3518

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3518

House Bill No. 3421*

By deleting the language "five (5) months" and substituting instead the language "ninety (90) days".

Amendment No. 3 to SB3518

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3518

House Bill No. 3421*

by deleting the effective date section and by substituting instead the following:

SECTION _____. This act shall take effect July 1, 2011, the public welfare
requiring it.

Amendment No. 1 to SB3536

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3536

House Bill No. 3229*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-13-104(a), is amended by placing a period after the language “act is performed” and by deleting the language “; or” and subdivision (7) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 62-13-104(a), is further amended by adding the following language at the end of the subdivision:

In addition, except as provided in subsection (b), no other provisions of this chapter or any rules and regulations promulgated pursuant thereto shall apply to vacation lodging services.

SECTION 3. Tennessee Code Annotated, Section 62-13-104(b)(1), is amended by adding the following language as a new subdivision (C):

(C) “Designated agent” means an owner, principal, officer or upper level manager of a vacation lodging service firm.

SECTION 4. Tennessee Code Annotated, Section 62-13-104(b)(2), is amended by deleting the language “firm license” and by inserting the language “vacation lodging service firm license”.

SECTION 5. Tennessee Code Annotated, Section 62-13-104(b)(2), is further amended by deleting the last sentence of the subdivision.

SECTION 6. Tennessee Code Annotated, Section 62-13-104(b)(3)(A), is amended by deleting the language “Firm licenses” and by substituting instead the language “Vacation lodging service firm licenses”, and by deleting the period at the end of the subdivision and adding the language “, handicap or familial status.”.

SECTION 7. Tennessee Code Annotated, Section 62-13-104(b)(3)(B), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(B)

(i) Upon application for a firm license for a vacation lodging service and each renewal of the license, the firm shall designate one (1) individual from that firm who shall be individually licensed as a designated agent through the Tennessee real estate commission. Such designated agent shall be responsible for the completion of training programs to be taught by an individual in the vacation lodging services business or other person who meets qualifications set by the Tennessee real estate commission. Such training programs shall consist of instruction in the fundamentals of this subsection (b) and related topics.

(ii) Every two (2) years, as a requisite for the reissuance of a firm license for a vacation lodging service and for reissuance of the designated agent license, the firm shall furnish certification that the designated agent for the firm has completed eight (8) classroom hours in training programs approved by the commission.

(iii) No examination shall be required for the issuance or renewal of a firm license for a vacation lodging service.

SECTION 8. Tennessee Code Annotated, Section 62-13-104(b), is amended by inserting the following language as a new, appropriately designated subdivision:

()

(A) If a designated agent, as designated by a vacation lodging service firm, leaves or moves from the vacation lodging service firm, the firm or designated agent for such firm must notify the Tennessee real estate commission within ten (10) days of such action. The vacation lodging service firm must replace the designated agent within sixty (60) days of such action and notify the commission of the name of the new designated agent. During such time period, all rules or regulations related to a vacation lodging service firm shall remain in full force and effect with respect to such a vacation lodging service firm until a

designated agent is replaced. Any obligation or duty required to be fulfilled by the designated agent shall be fulfilled by another person in the vacation lodging service firm.

(B) A designated agent may serve as a designated agent for multiple offices of the same vacation lodging service firm within a fifty (50) mile radius of the principal office of the firm, but may not serve as a designated agent for multiple firms.

SECTION 9. Tennessee Code Annotated, Section 62-13-104(b)(3)(C), is amended by deleting subdivision (iii) in its entirety.

SECTION 10. Tennessee Code Annotated, Section 62-13-104(b)(3)(D)(ii), is amended by adding the following language at the end of the subdivision:

A vacation lodging service firm working under an irrevocable letter of credit must submit satisfactory proof of such letter of credit by April 1 of each year. The commission may impose a penalty for failure to disclose such proof by such date.

SECTION 11. Tennessee Code Annotated, Section 62-13-104(b)(4), is amended by deleting the language "All firm licenses" and by substituting instead the language "All firm and designated agent licenses".

SECTION 12. Tennessee Code Annotated, Section 62-13-104(b)(4), is further amended by adding the following language after the first sentence.

The firm license and the license for the designated agent for the firm, and all renewals thereof, shall expire at the same time. If a license is issued to a designated agent following the date the firm license is issued or renewed, the license for the designated agent shall be issued or renewed so that it expires on the date the license of the firm is to expire.

SECTION 13. Tennessee Code Annotated, Section 62-13-104(b)(6), is amended by deleting the language "any person" and by substituting instead the language "any lodging rental customer or lodging rental owner".

SECTION 14. Tennessee Code Annotated, Section 62-13-104(b), is amended by adding the following language as a new subdivision (9):

(9) The Tennessee real estate commission is authorized to promulgate rules and regulations in accordance with the uniform administrative procedures act, title 4, chapter 5, to implement this subsection (b).

SECTION 15. For purposes of promulgating necessary rules and regulations to implement this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2011, the public welfare requiring it.

Amendment No. 1 to SB3644

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3644*

House Bill No. 3923

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-11-104, is amended by adding the following as a new, appropriately designated subsection:

() All persons or entities licensed pursuant to this chapter shall provide the department of commerce and insurance with a permanent, fixed business location, the failure to provide such shall cause such persons or entities to be in violation of the Consumer Protection Act, compiled in title 47, chapter 18.

SECTION 2. Tennessee Code Annotated, Section 62-11-106, is amended by deleting subdivisions (7) and (12) in their entirety and by substituting instead the following:

(7) Promulgate rules to establish the minimum necessary standards for continuing education, with such minimum standards to include twelve (12) hours of continuing education, two (2) of which shall be dedicated to life safety.

SECTION 3. Tennessee Code Annotated, Section 62-11-110, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-11-110.

(a) Any person, partnership, association or corporation who engages in or offers to engage in locksmithing services without a license, or who violates the terms and conditions of any licensure or license or renewal of any license granted by the commissioner pursuant to this chapter, shall be subject to a civil penalty of no less than two thousand five hundred dollars (\$2,500) nor more than seven thousand five hundred dollars (\$7,500) per occurrence.

(b) Any person, partnership, association or corporation who engages in or offers to engage in locksmithing services without a license, as required by this

chapter, shall be ineligible to apply for a license until twelve (12) months after the violation occurred.

(c) In addition to revocation or suspension of license, a civil penalty of no more than seven thousand five hundred dollars (\$7,500), may be assessed by the commissioner against any person, partnership, association or corporation who violates any provision of this chapter, or any rule of the commissioner promulgated pursuant to this chapter.

(d) Any person who engages in or offers to engage in locksmithing services without a license or who violates the terms and conditions of any licensure or license granted by the commissioner pursuant to this chapter commits a Class A misdemeanor.

SECTION 4. Tennessee Code Annotated, Title 62, chapter 11, Part 1, is amended by adding the following language as a new section:

Section 62-11-1___. All sole proprietorships, partnerships, or corporations providing locksmith services in the state shall provide a current and valid locksmith license issued in this state when listing such license in directories, and for any other advertising purposes. Failure to list the license as required by this section is a violation of the Consumer Protection Act, compiled in title 47, chapter 18.

SECTION 5. This act shall take effect on July 1, 2010, the public welfare requiring it.

Amendment No. 2 to SB3644

McNally
Signature of Sponsor

AMEND Senate Bill No. 3644*

House Bill No. 3923

by deleting the language “and (12)” from the directory language of Section 2 of the bill as amended by amendment drafting code #1577033.

Amendment No. 1 to Amendment No. 2

1 to Amendment 3 to SB3644

Signature of Sponsor

AMEND Senate Bill No. 3644*

House Bill No. 3923

by deleting the language "Class A misdemeanor" in amendatory § 62-11-110(d)(2) of SECTION 3 of the bill as amended and by substituting instead the language "Class B misdemeanor".

Amendment No. 1 to SB3685

McNally
Signature of Sponsor

AMEND Senate Bill No. 3685

House Bill No. 3608*

by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 67-5-1501, is amended by substituting the language “seven dollars (\$7.00)” for the language “five dollars (\$5.00)” and the language “one hundred twenty dollars (\$120)” for the language “one hundred dollars (\$100)” and the language “two dollars (\$2.00)” for the language “one dollar (\$1.00)” in subsection (d).

Amendment No. 1 to SB3846

Crowe
Signature of Sponsor

AMEND Senate Bill No. 3846*

House Bill No. 3805

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-107(a)(1), is amended by deleting the word “chapter” and by substituting instead with the word “title” in the second sentence of the subdivision.

SECTION 2. Tennessee Code Annotated, Section 63-1-112, is amended by deleting subsection (b).

SECTION 3. Tennessee Code Annotated, Section 63-1-114, is amended by deleting the section in its entirety and by substituting instead the following:

The division shall publish a directory listing all persons licensed to practice any branch of the healing arts in Tennessee.

SECTION 4. Tennessee Code Annotated, Section 63-1-120, is amended by deleting subsection (a).

SECTION 5. Tennessee Code Annotated, Section 63-1 -122, is amended by deleting the section in its entirety.

SECTION 6. Tennessee Code Annotated, Section 63-1-131, is amended by deleting the section in its entirety and by substituting instead the following new language:

The commissioner of health shall appoint a director of the division of health related boards provided for in this section and § 63-1-132, 63-1-133, and 68-1-101.

SECTION 7. Tennessee Code Annotated, Section 63-1-132, is amended by deleting the existing language in its entirety and by substituting instead the following new language:

(a) The director of the division of health related boards has the power, duty, and responsibility to:

(1) Employ all staff assigned or performing duties for the agencies attached to the division;

(2) Promulgate rules and regulations for all administrative functions and activities of the agencies attached to the division as well as all matters that affect more than one (1) of the agencies attached to the division with the approval of the agencies affected. In cases where multiple agencies are authorized to promulgate similar rules that apply to each of the agencies, the director is authorized to hold one (1) public rulemaking hearing and promulgate a single rule or a single chapter of rules, but only after receiving prior approval of the agencies affected;

(3) Employ, with the consent of the regulatory board concerned, all executive directors and consultants; the director may employ all other personnel necessary to carry out the function of all of the agencies attached to the division;

(4) Maintain a central filing system for official records and documents of all agencies attached to the division;

(5) Provide office space and necessary quarters for the agencies attached to the division;

(6) Assign personnel to staff such agencies in order to ensure the most efficient use of personnel; and

(7) Perform such other duties as the commissioner may prescribe, or as may be prescribed by law.

(b) Any employment of personnel or consultants by the division shall be in accordance with the rules, regulations, and standards of the departments of human resources and finance and administration.

SECTION 8. Tennessee Code Annotated, Section 63-5-108(d), is amended by deleting the language “administered by the board” from the third sentence in the subsection.

SECTION 9. Tennessee Code Annotated, Section 63-6-210(b)(2) and (c) is amended by deleting the subsection (b)(2) and subsection (c) in their entirety and by substituting instead the following:

(b)

(2) A licensee may renew a license within sixty (60) days following the license expiration date upon payment of the renewal fee in addition to a late penalty established by the board for each month or fraction of a month that payment for renewal is late; provided that the late penalty shall not exceed twice the renewal fee. When any licensee fails to renew a license and pay the biennial renewal fee within sixty (60) days after renewal becomes due, as provided in this section, the license shall be automatically revoked at the expiration of sixty (60) days after the renewal was required without further notice or hearing.

(c) Any licensee whose license is automatically revoked as provided in subsection (b), may apply in writing to the board for reinstatement of such license, which may be granted by the board upon the payment of all past due fees and reinstatement fees established by the board, and upon further conditions as the board may require.

SECTION 10. Tennessee Code Annotated, Section 63-12-128(a)(1) and (2) is amended by deleting subdivisions (1) and (2) in their entirety and by substituting instead the following:

(1) Suspend or limit the right to practice veterinary medicine in this state;

(2) Suspend or limit the right to hold a certificate or premises permit in this state;

SECTION 11. Tennessee Code Annotated, Section 63-12-128(c), is amended by deleting the subsection in its entirety.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB3851

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3851*

House Bill No. 3812

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-11-104, is amended by deleting the existing language in subsection (a) and by substituting instead the following:

(a) No partnership, association, company, or corporation shall engage in, or hold itself out as engaging in, the business of locksmithing in this state without first registering as a locksmith business in accordance with this chapter. No person, partnership, association, corporation, or local or state governmental employee shall engage in, or hold themselves out as engaging in, the business of locksmithing in this state without first registering or licensing any employee, agents, or contractors operating as locksmith apprentices or locksmiths in accordance with this chapter.

SECTION 2. Tennessee Code Annotated, Section 62-11-104, is amended by deleting the existing language in subsection (b) and by substituting instead the following:

(b) Persons who are not licensed under this chapter shall not provide any locksmithing services in violation of this chapter or any rule adopted pursuant to this chapter. No person or business who is not licensed under this chapter shall use the designation "locksmith," "locksmith apprentice" or "locksmith company," a designation which compounds, modifies or qualifies the words "locksmith," "locksmith apprentice" or "locksmith company" or which gives or is designed to give the impression that the person or business using such designation is a locksmith, locksmith apprentice or locksmith company.

SECTION 3. Tennessee Code Annotated, Section 62-11-106, is amended by deleting the existing language in subdivision (12) and by substituting instead the following:

(12) Deny, suspend or revoke any license, licensure, or renewal issued or to be issued under this chapter to any applicant, registrant, or licensee who fails to satisfy the requirements of this chapter or for any of the reasons stated in § 62-11-109, or who fails to follow the rules established by the commissioner.

SECTION 4. Tennessee Code Annotated, Section 62-11-111, is amended by deleting subdivision (a)(7) and substituting the following:

(7) Statements of any criminal records. Certain criminal convictions may disqualify an applicant for licensure as a locksmith; however, rehabilitation of individuals with a criminal record or records may be considered in the commissioner's discretion. Persons convicted of offenses involving fraud or theft shall not be entitled to licensure as a locksmith.

SECTION 5. Tennessee Code Annotated, Section 62-11-111, is amended by deleting the existing language in subsection (h) and by substituting instead the following:

(h) Locksmith licenses may be renewed up to ninety (90) days after their expiration by payment of the renewal fee plus a penalty established by the commissioner for each month, or portion thereof, which elapses before payment is tendered. In the event that the renewal payment is not tendered within the specified time frame, the locksmith shall submit a new application for licensure as in the case of the issuance of the original license.

SECTION 6. Tennessee Code Annotated, Section 62-11-111, is amended by deleting subsection (i) in its entirety and by substituting instead the following:

(i) The commissioner shall not grant renewal of a locksmith license until the commissioner has received satisfactory evidence of continuing education completed during the immediately preceding license period.

SECTION 7. Tennessee Code Annotated, Section 62-11-112, is amended by deleting the existing language in subdivision (b)(4) and substituting instead the following:

(4) Statements of any criminal records. Certain criminal convictions may disqualify an applicant for registration as a locksmith apprentice; however, rehabilitation of individuals with a criminal record or records may be considered at the commissioner's discretion. Persons convicted of offences involving fraud or theft shall not be entitled to registration as a locksmith apprentice.

SECTION 8. Tennessee Code Annotated, Section 62-11-112, is amended by deleting the existing language in subsection (h) and by substituting instead the following:

(h) Locksmith apprentice registrations may be renewed up to ninety (90) days after their expiration by payment of the renewal fee plus a penalty established by the commissioner for each month, or portion thereof, which elapses before payment is tendered. In the event that the renewal payment is not tendered within the specified time frame, the locksmith apprentice shall submit a new application for registration as in the case of the issuance of the original registration.

SECTION 9. This act shall take effect on July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB3865

Crowe
Signature of Sponsor

AMEND Senate Bill No. 3865*

House Bill No. 3850

by deleting all language after the caption and by substituting instead the following:

WHEREAS, standards set by the Council on Accreditation for Children and Family Services, Inc. (COA) are nationally recognized as the best practices for protecting and providing services to abused and neglected children; and

WHEREAS, achieving and maintaining these standards requires a solid commitment from the legislative and executive branches of state government; and

WHEREAS, a 2003 U.S. Congressional Report on Child Welfare found that accreditation reduces caseloads, resulting in more attention and better care for clients; increases emphasis on professional credentials, leading to more qualified staff; and reduces supervisor-to-staff ratios, allowing more supervision of frontline staff; and

WHEREAS, a 2002 Aspen Institute study compared COA-accredited and non-accredited organizations and found that COA-accredited organizations used clearly defined criteria to evaluate personnel performance and ensure that employees have the skills and training they need to provide services; had ongoing procedures to identify problem areas and make necessary changes and improvements to the organization; and had processes in place to plan for adverse situations and effectively manage risk; and

WHEREAS, COA accreditation has been shown to reduce costs by reducing employee turnover, creating more efficient processes and strengthening an organization's capacity; and

WHEREAS, the Tennessee Department of Children's Services is a leader in adopting evidence based practices; and

WHEREAS, accreditation involves all of an organization's stakeholders - employees, board members, clients, and most especially, line staff; and

WHEREAS, the Tennessee Department of Children's Services became the eighth state-administered program to receive accreditation from the Council on Accreditation for Children and Family Services, Inc. on January 22, 2010; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-5-105, is amended by adding the following language as a new, appropriately designated subsection:

(16) Promote collaboration and accountability among local, public, and private programs to improve the lives of children and families, including continuing accreditation with the Council on Accreditation for Children and Family Services, Inc. or its equivalent, to develop strategies consistent with best practice standards for delivery of services. If the department fails to maintain accreditation, a report shall be provided to the general assembly outlining the reasons the department is no longer accredited.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Amendment No. 1 to SB3873

McNally

Signature of Sponsor

AMEND Senate Bill No. 3873*

House Bill No. 3788

by deleting amendatory subdivision (7) in Section 1 and by substituting instead the following:

(7) "Transitional facility" means any adult institution operated by a non-profit entity under the authority of the department providing short-term transitional services to offenders within one (1) year of release on parole or expiration of sentence, excluding offenders convicted of a sexual offense; provided, however, that the total number of such facilities statewide shall not exceed four (4), and that the total number of beds in such facilities statewide shall not exceed, collectively, one hundred fifty (150).

Amendment No. 1 to SB3874

Johnson
Signature of Sponsor

AMEND Senate Bill No. 3874*

House Bill No. 3789

by deleting in its entirety Section 3 of the printed bill and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 50-7-304(d), is amended by deleting the language "the commissioner or the board of review" in the second sentence and by substituting instead the language "the commissioner or the commissioner's designee", and further amend by deleting the language "provide the board of review" and by substituting instead the language "provide the designees designated to hear second stage appeals".

AND FURTHER AMEND by deleting the word "Commissioner" in the third sentence of subdivision (e)(2) in Section 4 of the printed bill and by substituting instead the word "commissioner".

AND FURTHER AMEND by deleting the word "their" in the fourth sentence of subdivision (e)(2) in Section 4 of the printed bill and by substituting instead the language "his or her".

AND FURTHER AMEND by deleting Section 12 of the printed bill in its entirety and by substituting instead the following:

SECTION 12. Tennessee Code Annotated, Section 50-7-601, is amended by deleting the section in its entirety and by substituting instead the following:

§ 50-7-601.

(a) There is created and established in the division of employment security a coordinate bureau to be designated as the unemployment compensation bureau. The bureau shall be a separate administrative unit with respect to personnel and budget, except insofar as the commissioner may find that separation is impracticable. The bureau shall exercise all the powers, perform the duties, and be subject to

all the limitations prescribed in this chapter, except those pertaining to overall administration of the division vested in the administrator or except those pertaining to the overall supervision of the department vested in the commissioner, and those provided in this section for the division of the Tennessee state employment service.

(b) There is also created within the department of labor and workforce development the division of Tennessee state employment service, the latter being more fully described in § 50-7-608. The division shall be a separate administrative entity with respect to personnel and budget, except insofar as the commissioner may find that separation impracticable. The division shall be subject to the supervision and control of the commissioner within the provisions of this chapter.

Amendment No. 1 to SB3905

Ketron
Signature of Sponsor

AMEND Senate Bill No. 3905*

House Bill No. 3792

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 41, is amended by adding Sections 2-
Section 5 of this act as a new chapter 52.

SECTION 2.

§41-52-__ There is hereby created the Tennessee criminal justice coordinating council.

SECTION 3.

§41-52-__

(a) The council shall be composed of nineteen (19) members as follows: the commissioner of correction or the commissioner's designee, the commissioner of children's services or the commissioner's designee, the chairperson of the board of probation and parole or the chairperson's designee, one (1) member of the senate appointed by the speaker of the senate, one (1) member of the house of representatives appointed by the speaker of the house of representatives and the executive director of the select oversight committee on corrections.

(b) The membership of the council shall also include the following members to be appointed by the governor: one (1) county mayor or city mayor, one (1) judge presiding over a court of criminal jurisdiction, one (1) judge presiding over a court of juvenile jurisdiction, one (1) district public defender, one (1) district attorney general, one (1) chief of police of an incorporated municipality, one (1) county sheriff, one (1) executive officer of a business in Tennessee related to the criminal justice system, one (1) faculty member of a Tennessee institution of higher learning who has expertise in the areas of corrections or criminal justice, one (1) person who represents a non-profit supplier of services to the Tennessee criminal justice system, one (1) person who represents a

faith-based community service organization, one (1) person who represents a victim's rights organization or advocacy group and one (1) citizen. In making these appointments, the governor shall strive to ensure that the membership of the council appropriately reflects the racial and geographic diversity of the state.

(c) In order to stagger the terms of the members, the terms of the members appointed during 2010 shall expire as follows:

(1) The terms of the city or county mayor member, public defender member, district attorney general member and academic representative member shall expire on June 30, 2012.

(2) The terms of the criminal court judge member, municipal police chief member, non-profit service provider member, citizen member and juvenile court member shall expire on June 30, 2013.

(3) The terms of the county sheriff member, faith-based community organization member, correction business executive member and victim's rights organization member shall expire on June 30, 2014.

(4) Thereafter, all members shall serve four (4) year terms.

(d) The governor shall appoint a chair of the council from the full membership of the council. Any vacancy of any of the members appointed by the governor shall be filled by appointment of the governor to serve the unexpired term.

(e) All members of the council shall serve without compensation, but shall be eligible for reimbursement for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 4.

§41-52-__.

The council is charged with collaborating with and coordinating the services of state and local governmental agencies and non-governmental entities in the criminal justice system to increase public safety. In performing these duties, the council shall

conduct planning, research and evaluation activities to improve criminal justice system operations and coordination.

SECTION 5.

§41-52-__.

The council shall be attached to the department of finance and administration for administrative purposes.

SECTION 6. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 2 to SB3905

Ketron
Signature of Sponsor

AMEND Senate Bill No. 3905*

House Bill No. 3792

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The Tennessee criminal justice coordinating council created by
Section 2 of this act shall terminate on June 30, 2011.

Amendment No. 1 to HJR1207

**Burks
Signature of Sponsor**

AMEND

House Joint Resolution No. 1207*

By deleting the first resolving clause and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we hereby honor and congratulate Coach Jim Brown and the Jackson County High School girls basketball team upon winning the 2010 TSSAA Class A Girls Basketball State Championship and wish them success in every future endeavor.

Amendment No. 1 to SB1444

Ketron
Signature of Sponsor

AMEND Senate Bill No. 1444*

House Bill No. 2044

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(18), is amended by adding the following as new, appropriately designated subdivisions thereto:

(_) "Historic performing arts center" also means a facility possessing each of the following characteristics:

- (i) Was opened in 1921;
- (ii) Is on the National Register of Historic Places;
- (iii) Is located on Broad Street;
- (iv) Provides programs of cultural, civic, and educational interest, including, but not limited to, operas and musical concerts;
- (v) Is owned by a municipal or county government, or nonprofit, tax exempt, charitable organization. Alcoholic beverages shall only be sold at the center before, during or after performances; and
- (vi) Is located in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900) according to the 2000 federal census or any subsequent federal census.

(_) "Historic performing arts center" also means a facility possessing each of the following characteristics:

- (i) Was opened in 1924;
- (ii) Was originally designed as a municipal auditorium and all-purpose exhibition hall;
- (iii) Is located on McCallie Avenue;

(iv) Is owned by a municipal or county government, or nonprofit, tax exempt, charitable organization. Alcoholic beverages shall only be sold at the center before, during or after performances;

(v) Provides programs of cultural, civic, and educational interest, including, but not limited to, stage plays and musical concerts; and

(vi) Is located in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900) according to the 2000 federal census or any subsequent federal census.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB1444

Bunch
Signature of Sponsor

AMEND Senate Bill No. 1444*

House Bill No. 2044

by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 57-3-101(a)(12) is amended by deleting the language "one thousand (1,000) persons" wherever such language appears and by substituting instead the language "five hundred (500) persons".

SECTION ____ Tennessee Code Annotated, Section 57-3-106(b), is amended by deleting the subsection in its entirety.

Amendment No. 3 to SB1444

**Berke
Signature of Sponsor**

AMEND Senate Bill No. 1444*

House Bill No. 2044

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(24) is amended by adding a new, appropriately designated subdivision:

(___) It is lawful for a commercially operated facility to serve wine to be consumed on the premises that contains the following characteristics:

- (i) The facility provides a menu of prepared food to patrons;
- (ii) Where selling prepared food is the principal business conducted each day the facility is open and which has a minimum seating capacity of at least forty (40) seats where dining accommodations are available;
- (iii) The facility also provides seating on a deck or patio, weather permitting;
- (iv) The facility is part of a planned unit development (PUD) and such PUD is used as a pedestrian retail village;
- (v) Where sleeping accommodations are not provided;
- (vi) Is located in a municipality that is adjacent to an entrance to a national park; and
- (vii) Is located in a municipality that has authorized the sale of wine for consumption on premises pursuant to § 57-4-103(a)(4).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB1472

Gresham
Signature of Sponsor

AMEND Senate Bill No. 1472

House Bill No. 209*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The department of education, working with the Confucius Institute at the University of Memphis and the Confucius Institute at Middle Tennessee State University, shall study and assess the Hanyu Shuiping Kaoshi (HSK) proficiency tests, which were developed using the latest research methodology in foreign language testing for non-native speakers. The HSK tests measure non-native speakers' ability to use the Chinese language in work, studies and personal life situations. The department shall specifically study the development of the young learners' test (YCT), which measures proficiency in Chinese for students fifteen (15) years of age or younger, and its standards. Such study shall be performed for the purpose of establishing a pilot program modeled on the development of HSK testing that will aid in the construction of diagnostic tools for the determination of mastery and proficiency in other foreign languages at the elementary and secondary levels.

SECTION 2. The University of Tennessee system, the board of regents and their institutions, working with the Confucius Institute at the University of Memphis and the Confucius Institute at Middle Tennessee State University, shall study and assess the Hanyu Shuiping Kaoshi (HSK) proficiency tests, which were developed using the latest research methodology in foreign language testing for non-native speakers. The HSK tests measure non-native speakers' ability to use the Chinese language in work, studies and personal life situations. The systems and their institutions shall specifically study the development of the proficiency tests for non-native speakers (HSK) and the business Chinese test (BCT) and their standards. Such study shall be performed for the purpose of establishing a pilot program modeled on the development of the HSK testing that will

aid in the construction of diagnostic tools for the determination of mastery and proficiency in other foreign languages at the postsecondary level.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2033

Ketron
Signature of Sponsor

AMEND Senate Bill No. 2033*

House Bill No. 2187

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-23-112(h)(1), is amended by deleting the language "the comptroller of the treasury in the second sentence and substituting instead the language "the state treasurer".

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 2 to SB2033

**Bunch
Signature of Sponsor**

AMEND Senate Bill No. 2033*

House Bill No. 2187

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 13-23-107, is amended by adding the following language as a new, appropriately designated subsection:

()

(1) In addition to the restrictions prescribed in § 13-23-113, no appointed member of the board of directors or such member's designee shall apply for or receive funds from an agency grant, either directly or on behalf of any company with whom such person is an officer or an equity owner having an ownership interest in such company. The provisions of this subsection shall also apply to a relative of an appointed member of the board of directors or such member's designee. As used in this subsection, "relative" means spouse, parent, sibling or child.

(2) A member who violates the provisions of this subsection shall be removed from the board by the governor.

Amendment No. 1 to SB2297

Crowe
Signature of Sponsor

AMEND Senate Bill No. 2297

House Bill No. 2284*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

63-1-149.

(a) On and after October 1, 2010, before employing or contracting with any person who would be providing direct patient care, but for whom a background check has not been completed, a health care professional licensed under any chapter of title 63 or title 68, chapters 24 and 140, shall initiate and obtain the results of a name search of the following registries:

(1) A state-by-state look in any state in which the person has lived in the previous seven (7) years of the national sex offender public registry website coordinated by the United States department of justice, including but not limited to the sexual offender registry maintained by the Tennessee bureau of investigation pursuant to title 40, chapter 39, part 2.; and

(2) Any adult abuse registry maintained for any state in which the person has lived in the previous seven (7) years; and

(3) The department of health's elder abuse registry established pursuant to title 68, chapter 11, part 10.

(b) Should an applicant be listed on any of the registries listed above in subdivisions (a)(1)-(3), the health care professional shall not employ or contract with the person if the person would be providing direct patient care.

(c) A health care professional who complies with the requirements to perform registry checks under subsection (a), or relies on a documented representation provided by an entity with which the health care professional contracts that the person who will work in the office is not on any of these registries, shall not be subject to civil or criminal liability from any action brought against the professional based upon the accuracy or inaccuracy of the information provided through a registry check under this section. This immunity shall include the professional's immunity from suit by or on behalf of a person who the professional refuses to employ or contract with based on any information obtained from a registry check.

(d) This section is not intended to apply to contracted, external staff who provide such services as cleaning services, maintenance of office or medical equipment or other services where direct patient contact is not intended.

(e) This section shall not apply to health care professionals licensed under title 63, chapter 12.

(f) The department of health shall post no later than October 1, 2010 in a conspicuous location on its website as well as the website of each applicable licensing board a link to all potential databases the health care professional would be required to check pursuant to subsection (a) above. In addition, each applicable licensing board shall notify all of its licensees at least annually through board newsletters of their obligations under this statute.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

68-11-271

(a) Prior to employing or contracting with any person providing direct care to a resident or patient, but for whom a background check has not been completed, a health care facility licensed under title 68 shall initiate and obtain the results of a name search of the following registries:

(1) A state-by-state look in any state in which the person has lived in the previous seven (7) years of the national sex offender public registry website coordinated by the United States department of justice; and

(2) Any adult abuse registry maintained for any state in which the person has lived during the previous seven (7) years; and

(3) The department of health's elder abuse registry established pursuant to title 68, chapter 11, part 10.

(b) A health care facility may not employ or contract with any person providing direct care to a resident or patient if that individual is listed on any of the registries listed above in sections (a)(1)-(3).

(c) If a health care facility contracts with a company, organization, or agency that provides or arranges for the provision of direct care to a resident or patient, the facility satisfies the requirements of subsection (a) by:

(1) Receiving and retaining written documentation that an individual supplied by that company, organization, or agency is not listed on any of those registries, or;

(2) Relying on a written contractual representation that such company, organization, or agency conducts the name searches required by subdivisions (a)(1)-(3), and any individual supplied by that company, organization, or agency is not listed on any of those registries; or

(3) Satisfying both (1) and (2).

(d) A health care facility that complies with the requirements to perform registry checks under subsection (a), (c), or both, shall not be subject to civil or criminal liability from any action brought against the facility based upon the accuracy or inaccuracy of the information provided through a registry check under this section. This immunity shall include the facility's immunity from suit by or on behalf of a person who the facility refuses to employ or contract with based on any information obtained from a registry check.

(e) The department of health shall post no later than October 1, 2010 in a conspicuous location on its website as well as the website of the board for licensing health care facilities a link to all databases listed in subdivisions (a)(1)-(3) above. In addition, the department of health shall notify all health care facilities annually through licensure renewals of their obligations under this section.

(f) The requirements of this section shall become effective on and after October 1, 2010.

SECTION 3. Tennessee Code Annotated, Section 68-1 1-256(a), is amended by adding the following language at the end of the subsection:

“Nursing homes shall also comply with the provisions of Sections 1 and 2 of this act”.

SECTION 4. This act shall take effect on October 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB2424

Watson
Signature of Sponsor

AMEND Senate Bill No. 2424

House Bill No. 2460*

by adding the following new sections immediately preceding the effect date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 70-1-201, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) An independent and separate administrative board of conservation for game, fish and wildlife of the state is created, to be known and referred to as the wildlife resources commission and sometimes referred to as the commission in this part, to consist of the commissioner of environment and conservation, the commissioner of agriculture and eleven (11) citizens of the state, which citizens shall be well informed on the subject of the conservation of game animals, birds and fish within the state. Nine (9) of these citizens shall be appointed by the governor, one (1) shall be appointed by the speaker of the senate, and one (1) shall be appointed by the speaker of the house, each to be appointed within the period provided in this section. No citizen member of the commission shall be employed in or have any other direct or indirect affiliation with the wildlife profession or industry. In making appointments to the wildlife resources commission, the governor shall strive to ensure that at least one (1) person serving on the commission is sixty (60) years of age or older and that at least one (1) person serving on the commission is a member of a racial minority. At least two (2) people serving on the commission shall be female. For the purposes of this subsection, "wildlife" means wild vertebrates, mollusks, crustaceans and fish, as defined in § 70-1-101.

SECTION __. Tennessee Code Annotated, Section 70-1-201, is further amended by inserting the following new subsection immediately preceding subsection (e) and by redesignating the subsequent subsection accordingly:

(e)

1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall terminate all employment and association with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed by or otherwise associated with any entity whose business endeavors or professional activities are regulated by the

commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to members serving on the commission as of July 1, 2010 and to all members appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. The provision in this act prohibiting a citizen member having a direct or indirect affiliation with the wildlife profession or industry from serving on the commission shall apply to all citizen member appointments made to the commission after July 1, 2010.

Amendment No. 1 to Amendment 1 to SB2424

Watson
Signature of Sponsor

AMEND Senate Bill No. 2424

House Bill No. 2460*

by deleting subdivision (e)(1)(A) in Section 70-1-201 of the bill as amended and by substituting instead the following:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall terminate all employment and business association with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

AND FURTHER AMEND by deleting subdivision (e)(1)(C) in Section 70-1-201 of the bill as amended and by substituting instead the following:

(C) No person who serves as a member of the commission shall be employed by or otherwise associated in a business relationship with any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to members serving on the commission as of July 1, 2010 and to all members appointed to the commission subsequent to such date.

Amendment No. 2 to SB2424

**Watson
Signature of Sponsor**

AMEND Senate Bill No. 2424

House Bill No. 2460*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (52) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding the following language as a new subdivision thereto:

() Wildlife resources commission, created by § 70-1-201;

SECTION 3. Tennessee Code Annotated, Section 70-1-201, is further amended by inserting the following new subsection immediately preceding subsection (e) and by redesignating the subsequent subsection accordingly:

(e)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3,

chapter 6 for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the commission as of July 1, 2010 and to persons appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB2449

Watson
Signature of Sponsor

AMEND Senate Bill No. 2449*

House Bill No. 2600

by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-7-201, is amended by deleting the section in its entirety and by substituting instead the following:

Section 63-7-201.

(a) There is created a board to be known as the “board of nursing,” composed of eleven (11) members, referred to in this chapter as “board,” appointed by the governor in the manner and for the terms of office as provided in this section.

(b) The board shall be composed of five (5) members who are registered nurses, three (3) members who are licensed practical nurses, two (2) members who are advanced practice nurses, and one (1) member who is not a nurse and who is not commercially or professionally associated with the health care industry.

(1) **Nomination of Candidates.** Members of the board may be appointed by the governor from lists of nominees submitted by their respective organizations. Each list may contain up to three (3) times as many names as the number of appointments to be made. Lists of nominees shall be submitted at least forty-five (45) days prior to the expiration of the term of office of any members of the board.

(2) **Qualifications.**

(A) Each registered nurse appointed to serve on the board shall:

(i) Be a resident of this state for at least one (1) year immediately preceding appointment;

(ii) Be currently licensed in good standing as a registered nurse in Tennessee;

(iii) Be currently engaged in the practice of nursing as a registered nurse; and

(iv) Have had no fewer than five (5) years of experience as a registered nurse, at least three (3) of which immediately preceded appointment.

(B) Each licensed practical nurse appointed to serve on the board shall:

(i) Be a resident of this state for at least one (1) year immediately preceding appointment;

(ii) Be currently licensed in good standing as a licensed practical nurse in this state;

(iii) Be currently engaged in the practice of nursing as a licensed practical nurse; and

(iv) Have had no fewer than five (5) years of experience as a licensed practical nurse, at least three (3) of which immediately preceded appointment.

(C) Each advanced practice nurse appointed to serve on the board shall:

(i) Be a resident of this state for at least one (1) year immediately preceding appointment;

(ii) Be currently licensed in good standing as a registered nurse in Tennessee;

(iii) Be currently certified in good standing as an advanced practice nurse in Tennessee;

(iv) Be currently engaged in the practice of nursing as an advanced practice nurse; and

(v) Have had no fewer than five (5) years experience as an advanced practice nurse, at least three (3) of which immediately preceded appointment.

(D) The representative of the public appointed to serve on the board shall:

(i) Be a resident of this state for at least one (1) year immediately preceding appointment;

(ii) Not have direct or indirect financial interest in health care services;

(iii) Neither be nor ever have been a health care provider or be enrolled in any health related educational program; and

(iv) Not be a member or employee of any board of control of any public or private health care organization.

(3) Lobbyist prohibition.

(A) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(i) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (A)(i) shall apply to all

persons appointed or otherwise named to the board after July 1, 2010;

(ii) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (A)(ii) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(iii) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (A)(iii) shall apply to persons serving on the board as of July 1, 2010 and to persons appointed to the board subsequent to such date.

(B) A person who violates the provisions of this subdivision (3) shall be subject to the penalties prescribed in title 3, chapter 6.

(C) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subdivision (3). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and

in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(4) **Vacancies.** Vacancies on the board created by the expiration of terms of office or otherwise shall be filled for the unexpired terms by appointment by the governor in like manner.

(c) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION __. Tennessee Code Annotated, Section 63-7-202, is amended by deleting the section in its entirety.

Amendment No. 1 to SB2451

Watson
Signature of Sponsor

AMEND Senate Bill No. 2451*

House Bill No. 2598

by deleting SECTION 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

() Board of pharmacy, created by § 63-10-301;

Amendment No. 2 to SB2451

Watson
Signature of Sponsor

AMEND Senate Bill No. 2451*

House Bill No. 2598

by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-10-301, is amended by deleting the section in its entirety and substituting instead the following:

Section 63-10-301.

(a) There shall exist and be maintained within this state a board of pharmacy. The board shall consist of seven (7) members, one (1) of whom shall be a consumer, who shall enforce parts 2-5 of this chapter and all laws that pertain to the practice of pharmacy, and shall cooperate with other state and federal governmental agencies regarding any violations of any pharmacy drug or drug-related laws. The board has all of the duties, powers, responsibilities and authority specifically granted or necessary to the enforcement of parts 2-5 of this chapter, as well as other duties, powers, responsibilities and authority that may be granted by law.

(b) The governor shall appoint the members of the board, and shall make appointments so that the pharmacist members of the board shall be graduates of a recognized school or college of pharmacy. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that one (1) person serving on the board is a member of a racial minority.

(c) No pharmacist shall be eligible for appointment to the board unless such person has been a pharmacist under this or some other law of this state for

a period of at least five (5) years, and during the terms of such person's incumbency shall be actively engaged in the practice of pharmacy.

(d) No consumer shall be eligible for appointment to the board to represent the public at large unless such person has been a resident of Tennessee for at least five (5) years, currently resides in Tennessee and is a non-health care professional by education. The consumer member shall not own, or have any financial or other interest in, any health care facility or business.

(e)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and

to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010 and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(f) The terms of appointment shall be for six (6) years, or until their successors have qualified, and no member of the board is eligible for reappointment.

(g) The Tennessee Pharmacists Association may annually recommend five (5) duly qualified persons for each vacancy from whom the governor may be requested to make appointments. Appointees to the board shall, within ten (10) days after appointment, make oath or affirmation to be filed with the secretary of state that they will faithfully and impartially perform their duties.

(h) Members guilty of misconduct may be removed by the governor upon the recommendation of the remaining members. Vacancies occurring other than

by expiration of terms may be filled as to unexpired terms by the governor from the most recent list of nominees of the Tennessee Pharmacists Association.

(i) The members of the board shall be entitled to a per diem of one hundred dollars (\$100) for each day's service in attending meetings of the board and other administrative functions of the board, as well as the necessary expenses for traveling and subsistence while attending the meetings and performing the other administrative functions. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION __. Tennessee Code Annotated, Section 63-10-302, is amended by deleting the section in its entirety.

Amendment No. 3 to SB2451

Watson
Signature of Sponsor

AMEND Senate Bill No. 2451*

House Bill No. 2598

by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-10-302, is amended by deleting the section in its entirety and substituting instead the following:

Section 63-10-302.

(a) The governor shall appoint the members of the board, and shall make appointments so that the pharmacist members of the board shall be graduates of a recognized school or college of pharmacy. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that one (1) person serving on the board is a member of a racial minority.

(b) No pharmacist shall be eligible for appointment to the board unless such person has been a pharmacist under this or some other law of this state for a period of at least five (5) years, and during the terms of such person's incumbency shall be actively engaged in the practice of pharmacy.

(c) No consumer shall be eligible for appointment to the board to represent the public at large unless such person has been a resident of Tennessee for at least five (5) years, currently resides in Tennessee and is a non-health care professional by education. The consumer member shall not own, or have any financial or other interest in, any health care facility or business.

(d)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010 and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(e) The terms of appointment shall be for six (6) years, or until their successors have qualified, and no member of the board is eligible for reappointment.

(f) The Tennessee Pharmacists Association may annually recommend five (5) duly qualified persons for each vacancy from whom the governor may be requested to make appointments. Appointees to the board shall, within ten (10) days after appointment, make oath or affirmation to be filed with the secretary of state that they will faithfully and impartially perform their duties.

(g) Members guilty of misconduct may be removed by the governor upon the recommendation of the remaining members. Vacancies occurring other than by expiration of terms may be filled as to unexpired terms by the governor from the most recent list of nominees of the Tennessee Pharmacists Association.

Amendment No. 1 to SB2665

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2665

House Bill No. 2752*

by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 39-13-530, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Notwithstanding the provisions of § 40-33-211, the proceeds from all forfeitures made pursuant to this section for offenses occurring prior to July 1, 2010, shall be transmitted to the general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the child abuse fund. Moneys from the fund shall be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund at the end of the fiscal year. Any excess revenues or interest earned by the revenues shall not revert at the end of the fiscal year, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from the reserve shall not revert to the general fund at the end of the fiscal year, but shall remain available for expenditure in subsequent fiscal years.

(2) Notwithstanding the provisions of § 40-33-211, after reimbursement for all litigation expenses incurred by the district attorney general that were incident to the litigation and approved by the court as authorized by §39-11-713(a), the clerk of the court where the forfeiture

occurs shall transmit fifteen percent (15%) of the remaining proceeds from all forfeitures made pursuant to this section for offenses occurring on or after July 1, 2010, to the law enforcement agency conducting the investigation that resulted in the seizure to be used for law enforcement purposes involving child abuse detection, enforcement and prosecution. The clerk shall transmit the remainder of the funds to the department of finance and administration for deposit in the child abuse fund created by subdivision (1) of this subsection (b), to be allocated through the general appropriations act.

(3) The child abuse fund shall be used to fund the activities and organizations authorized by this section and the reversion provisions of subdivision (1) shall apply to subdivision (2) and (3) of this subsection as well. The department shall distribute these funds in accordance with department policies and procedures. Moneys from the fund shall be allocated by the department in the following manner:

(A) Forty five (45%) to the state chapter of Children's Advocacy Centers for the purpose of providing training, support, technical assistance and leadership to local child advocacy centers throughout the state;

(B) Twenty-seven and one-half percent (27.5%) to the Court Appointed Special Advocates for the purpose of expanding services of existing programs and developing new programs; and

(C) Twenty-seven and one-half percent (27.5%) to Prevent Child Abuse Tennessee for the purpose of statewide child abuse prevention programs and activities.

SECTION _____. Tennessee Code Annotated, Section 39-17-1008, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Notwithstanding the provisions of § 40-33-211, the proceeds from all forfeitures made pursuant to this section for offenses occurring prior to July 1, 2010, shall be transmitted to the general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the child abuse fund. Moneys from the fund shall be expended to fund activities authorized by this section. Moneys from the fund shall be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund at the end of the fiscal year. Any excess revenues or interest earned by the revenues shall not revert at the end of the fiscal year, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from the reserve shall not revert to the general fund at the end of the fiscal year, but shall remain available for expenditure in subsequent fiscal years.

(2) Notwithstanding the provisions of § 40-33-211, after reimbursement for all litigation expenses incurred by the district attorney general that were incident to the litigation and approved by the court as authorized by §39-11-713(a), the clerk of the court where the forfeiture occurs shall transmit fifteen percent (15%) of the remaining proceeds from all forfeitures made pursuant to this section for offenses occurring on or after July 1, 2010, to the law enforcement agency conducting the investigation that resulted in the seizure to be used for law enforcement purposes involving child abuse detection, enforcement and prosecution. The clerk shall transmit the remainder of the funds to the department of finance and administration for deposit in the child abuse fund created by subdivision (1) of this subsection (b), to be allocated through the general appropriations act.

(3) The child abuse fund shall be used to fund the activities and organizations authorized by this section and the reversion provisions of subdivision (1) shall apply to this subdivision and subdivision (2) as well. The department shall distribute these funds in accordance with department policies and procedures. Moneys from the fund shall be allocated by the department in the following manner:

(A) Forty five (45%) to the state chapter of Children's Advocacy Centers for the purpose of providing training support, technical assistance and leadership to local child advocacy centers throughout the state;

(B) Twenty-seven and one-half percent (27.5%) to the Court Appointed Special Advocates for the purpose of expanding services of existing programs and developing new programs; and

(C) Twenty-seven and one-half percent (27.5%) to Prevent Child Abuse Tennessee for the purpose of statewide child abuse prevention programs and activities.

SECTION____. It is the intent of the general assembly in allocating the funds received from forfeitures authorized by § 39-13-530 and § 39-17-1008, that priority be given when at all possible to the funds being expended in the area where the seizure and forfeiture occurred.

SECTION____.

(a) By January 15, 2014, the Select Committee on Children and Youth shall review the provisions of this act and report the findings of such review to the House of Representatives Judiciary Committee, the Senate Judiciary Committee and the House of Representatives Children and Family Affairs Committee.

(b) The review required by subsection (a) shall examine, from the time period July 1, 2010 to July 1, 2013, the number of cases in which seizures and forfeitures pursuant to § 39-13-530 and § 39-17-1008 were effectuated, an

inventory of the type of property seized and forfeited, the amount of revenue derived from such forfeitures by judicial district and total, whether the revenue was distributed in accordance with the formula established by this act, the manner in which the revenue was used by the various entities, and whether the commission recommends adjusting the allocation percentages to maximize child abuse prevention and prevention programs.

Amendment No. 2 to SB2665

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2665

House Bill No. 2752*

By deleting subdivision (b)(2) and (b)(3) of the first new SECTION____ added by Amendment # 016045 and substituting instead the following:

(2) Notwithstanding the provisions of § 40-33-211, after reimbursement for all litigation expenses incurred by the district attorney general that were incident to the litigation and approved by the court as authorized by §39-11-713(a), the clerk of the court where the forfeiture occurs shall transmit fifteen percent (15%) of the remaining proceeds from all forfeitures made pursuant to this section for offenses occurring on or after July 1, 2010, to the law enforcement agency conducting the investigation that resulted in the seizure to be used for law enforcement purposes involving child abuse detection, enforcement and prosecution and fifteen percent (15%) of such proceeds to the district attorneys general conference for child abuse prosecutions and training for asset forfeitures under this section. The clerk shall transmit the remainder of the funds to the department of finance and administration for deposit in the child abuse fund created by subdivision (1) of this subsection (b), to be allocated through the general appropriations act.

(3) The child abuse fund shall be used to fund the activities and organizations authorized by this section and the reversion provisions of subdivision (1) shall apply to subdivision (2) and (3) of this subsection as well. The department shall distribute these funds in accordance with department policies and procedures. Moneys from the fund shall be allocated by the department in the following manner:

(A) Forty-five percent (45%) to the state chapter of Children's Advocacy Centers for the purpose of providing training, support, technical assistance and leadership to local child advocacy centers throughout the state;

(B) Twenty-seven and one-half percent (27.5%) to the Court Appointed Special Advocates for the purpose of expanding services of existing programs and developing new programs; and

(C) Twenty-seven and one-half percent (27.5%) to Prevent Child Abuse Tennessee for the purpose of statewide child abuse prevention programs and activities.

FURTHER AMEND by deleting subdivision (b)(2) and (b)(3) of the second new SECTION____ added by Amendment # 016045 and substituting instead the following

(b)

(2) Notwithstanding the provisions of § 40-33-211, after reimbursement for all litigation expenses incurred by the district attorney general that were incident to the litigation and approved by the court as authorized by §39-11-713(a), the clerk of the court where the forfeiture occurs shall transmit fifteen percent (15%) of the remaining proceeds from all forfeitures made pursuant to this section for offenses occurring on or after July 1, 2010, to the law enforcement agency conducting the investigation that resulted in the seizure to be used for law enforcement purposes involving child abuse detection, enforcement and prosecution and fifteen percent (15%) of such proceeds to the district attorneys general conference for child abuse prosecutions and training for asset forfeitures under this section. The clerk shall transmit the remainder of the funds to the department of finance and administration for deposit in the child abuse fund created by subdivision (1) of this subsection (b), to be allocated through the general appropriations act.

(3) The child abuse fund shall be used to fund the activities and organizations authorized by this section and the reversion provisions of subdivision (1) shall apply to this subdivision and subdivision (2) as well. The department shall distribute these funds in accordance with department policies and procedures. Moneys from the fund shall be allocated by the department in the following manner:

(A) Forty-five percent (45%) to the state chapter of Children's Advocacy Centers for the purpose of providing training support, technical assistance and leadership to local child advocacy centers throughout the state;

(B) Twenty-seven and one-half percent (27.5%) to the Court Appointed Special Advocates for the purpose of expanding services of existing programs and developing new programs; and

(C) Twenty-seven and one-half percent (27.5%) to Prevent Child Abuse Tennessee for the purpose of statewide child abuse prevention programs and activities.

Amendment No. 3 to SB2665

McNally
Signature of Sponsor

AMEND Senate Bill No. 2665

House Bill No. 2752*

By deleting subdivision (b)(2) of the first new SECTION___ added by Amendment # 016045 and substituting instead the following:

(2) Notwithstanding the provisions of § 40-33-211, the clerk of the court where the forfeiture occurs shall transmit fifteen percent (15%) of the proceeds from all forfeitures made pursuant to this section for offenses occurring on or after July 1, 2010, to the law enforcement agency conducting the investigation that resulted in the seizure to be used for law enforcement purposes involving child abuse detection, enforcement and prosecution and fifteen percent (15%) of the remaining proceeds to the district attorneys general conference for child abuse prosecutions and training for asset forfeitures under this section. The clerk shall transmit the remainder of the funds to the department of finance and administration for deposit in the child abuse fund created by subdivision (1) of this subsection (b), to be allocated through the general appropriations act.

AND FURTHER AMEND by deleting amendatory subdivision (b)(2) of the second new SECTION___ added by Amendment # 016045 and substituting instead the following

(2) Notwithstanding the provisions of § 40-33-211, the clerk of the court where the forfeiture occurs shall transmit fifteen percent (15%) of the proceeds from all forfeitures made pursuant to this section for offenses occurring on or after July 1, 2010, to the law enforcement agency conducting the investigation that resulted in the seizure to be used for law enforcement purposes involving child abuse detection, enforcement and prosecution and fifteen percent (15%) of the remaining proceeds to the district attorneys general conference for child abuse prosecutions and training for asset forfeitures under this section. The clerk shall transmit the remainder of the funds to the

department of finance and administration for deposit in the child abuse fund created by subdivision (1) of this subsection (b), to be allocated through the general appropriations act.

Amendment No. 1 to SB2810

Ketron
Signature of Sponsor

AMEND Senate Bill No. 2810*

House Bill No. 3069

by deleting the language "proper officers of the municipality or county" from the amendatory language in subdivision (4) of Section 1 and by substituting instead the language "governing body of the municipality or county".

Amendment No. 1 to SB2811

Ketron
Signature of Sponsor

AMEND Senate Bill No. 2811*

House Bill No. 3070

By deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-2501, is amended by adding the following new language to be designated as subsection (c):

(c)

(1) The provisions of this subsection shall only apply in any county or municipality having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census.

(2) The court shall order a sale of the land located in a federally designated empowerment zone or renewal community for cash, subject to the equity of redemption.

(3) At all tax sales for properties located in a federally designated empowerment zone or renewal community and meeting the requirements of subdivision (c)(4) below, the clerk of the court, acting for the state, may, if approved by a majority vote of the legislative bodies of both the county and municipality, offer the sale of the property at public auction for a minimum bid amount equal to the lesser of the assessed value of the property, as determined by the county assessor for the most recent tax year of record, for that particular tax parcel, or the amount as ascertained pursuant to subsection (a)(2) above.

(4) Properties eligible for a reduced minimum bid amount shall be:

(A) Commercial property, as identified by the county assessor designation, located in a federally designated empowerment zone or renewal community:

(i) Which is abandoned or vacant; or

(ii) For which a citation has been issued by the local authority for a violation of any local anti-neglect ordinance, which citation has been ignored or where the violation has not been corrected.

(B) Residential property, as identified by the county assessor designation, located in a federally designated empowerment zone or renewal community:

(i) Which is abandoned or vacant; or

(ii) For which a citation has been issued by the local authority for a violation of any local anti-neglect ordinance, which citation has been ignored or where the violation has not been corrected.

(5)

(A) Under no circumstances shall the owner of the property or the owner's family member, agent or taxpayer representative be entitled to purchase the property at public auction for any amount less than the total amount owed in delinquent taxes, liens, fees and fines.

(B) Where no non-governmental bidder offers the same or larger bid, the county or municipality shall bid the minimum amount as ascertained in subdivision (c)(3) above; provided, that

when the delinquent tax attorney for the county or municipality determines that the environmental risks are such that it is not in the best interests of the county or municipality for a minimum bid to be offered at the tax sale, the clerk shall not offer a bid on the property at the tax sale.

(C) Where a non-governmental bidder purchases the property at tax sale for a minimum bid based upon the assessed value of the property pursuant to subdivision (c)(3) above, the amount paid in to the clerk of court as the final bid, shall be divided as follows: the court commission shall be prorated according to the sale amount, and the clerk of courts shall first receive that amount; a ratio shall be determined between county and municipal tax liens, in proportion to the amounts ascertained by the master at reference, and the balance of the amount paid for the property shall second, be distributed to the county trustee and municipality by ratio equal to the amounts due for delinquent taxes on such land, such that this amount is accepted in full satisfaction of the tax liens settled under that particular tax sale.

SECTION 2. Tennessee Code Annotated, Section 67-5-2702, is amended by adding the following new language to be designated as subsection (c):

(c) Persons entitled to redeem property sold pursuant 67-5-2501(c), and situated in federally designated empowerment zones or renewal communities, may do so by paying the moneys to the clerk as required by 67-5-2703 and by filing any statement required by 67-5-2503(b) within twelve (12) months after entry of an order of confirmation of the tax sale by the court; a taxpayer may redeem property sold pursuant 67-5-2501(c), and situated in a federally designated empowerment zone or renewal

community, that has been previously redeemed by paying to the clerk the moneys as required by 67-5-2703 within twelve (12) months after entry of an order of confirmation of the tax sale by the court. In which case, upon the entry of the order of redemption using the procedure outlined in 67-5-2704, the clerk shall disburse the moneys paid to redeem, plus interest at a rate of ten percent (10%) per annum computed from the date of the order of the previous redemption, to the person previously redeeming as ordered by the court.

SECTION 3. Tennessee Code Annotated, Section 67-5-2703, is amended by designating the existing language as subsection (a), and by adding the following language to be designated as subsection (b):

(b) In order to redeem property which has been sold under 67-5-2501(c), and is situated in a federally designated empowerment zone or renewal community, any person entitled to redeem the property shall pay to the clerk of court who sold the property the amount owed for the delinquent taxes, interest, and penalties, court costs and any other court ordered charges, such amount having been set and identified in the master's reference report, and interest at a rate of ten percent (10%) per annum computed from the date of the sale on the entire purchase price paid at the sale.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.

Amendment No. 1 to SB3121

Beavers
Signature of Sponsor

AMEND Senate Bill No. 3121*

House Bill No. 3282

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(a)(4)(A) is amended by deleting from the second sentence the language “made at the same time and by the same court as the court disposing of the offense for which the driver was placed under arrest” and by substituting instead the language “made at the driver’s first appearance or preliminary hearing in the general sessions court, but no later than the case being bound over to the grand jury, unless the refusal is a misdemeanor offense in which case the determination shall be made by the court which determines whether the driver committed the offense; however, upon the motion of the state, the determination may be made at the same time and by the same court as the court disposing of the offense for which the driver was placed under arrest”.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect January 1, 2011, the public welfare requiring it.

Amendment No. 2 to SB3121

**Faulk
Signature of Sponsor**

AMEND Senate Bill No. 3121*

House Bill No. 3282

by adding the following new section immediately preceding the next to last section and by renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Section 55-10-406, is amended by adding the following new subsection:

(g) The period of driver license suspension for a violation of subsection (a) of this section and the period of license suspension imposed following a conviction for § 55-10-401 shall run concurrently if both violations result from the same course of conduct.

Amendment No. 3 to SB3121

**Faulk
Signature of Sponsor**

AMEND Senate Bill No. 3121*

House Bill No. 3282

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 55-10-406(a) is amended by adding the following new subdivision (7):

(7) If a person's driver license is suspended for a violation of subsection (a) prior to the time the offense for which the driver was arrested is disposed of, the court disposing of such offense may order the department of safety to reinstate the license if:

(i) The implied consent violation and the offense for which the driver was arrested result from the same incident; and

(ii) The offense for which the person was arrested is dismissed by the court upon a finding that the law enforcement officer lacked sufficient cause to make the initial stop of the driver's vehicle.

Amendment No. 1 to SB3345

McNally
Signature of Sponsor

AMEND Senate Bill No. 3345

House Bill No. 3471*

By deleting Section 5 in its entirety and by substituting instead the following:

SECTION 5. This act shall become operative only if the cost of the manufacture and installation of such signs is paid to the department of transportation by Tipton County within one (1) year of the effective date of this act. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Tipton County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department by Tipton County within thirty (30) days of the county receiving an itemized invoice of the actual cost from the department.

Amendment No. 2 to SB1141

Beavers
Signature of Sponsor

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population in excess of eight hundred thousand (800,000) according to the 2000 federal census or any subsequent federal census.

Amendment No. 3 to SB1141

Beavers
Signature of Sponsor

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than:

43,100

39,900

29,400

22,200

17,900

11,300

nor more than:

43,200

40,000

29,450

22,300

18,000

11,368

Amendment No. 4 to SB1141

Barnes
Signature of Sponsor

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than 134,700 nor more than 134,800 according to the 2000 federal census or any subsequent federal census.

Amendment No. 5 to SB1141

Barnes
Signature of Sponsor

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than:

35,900

8,050

nor more than:

36,000

8,100

Amendment No. 6 to SB1141

Beavers
Signature of Sponsor

AMEND Senate Bill No. 1141

House Bill No. 670*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding a new section thereto:

§ 40-7-123.

(a) When a person is arrested for any offense and is confined, for any period, in the jail of the county or any municipality, a reasonable effort to review documents in the possession of the prisoner shall be made to assess the citizenship status of such person. If the keeper of the jail cannot determine the lawful status of the prisoner from the documents in the possession of such prisoner or any other available information, or if it is determined that the person is not lawfully present in the United States, pursuant to the federal Immigration and Naturalization Act, compiled in 8 U.S.C §1101 et seq., the keeper of the jail or other officer shall, within three (3) business days of the person's arrest, send a copy of the person's booking records to the appropriate field office of the Immigration and Customs Enforcement Detention and Removal Operations by facsimile transmission, electronic mail, or other appropriate means.

(b) The provisions of this section shall not apply to any county or municipality that has entered into or enters into a memorandum of understanding with the United States department of homeland security concerning enforcement of federal immigration laws.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 9 to SB1141

**Finney L
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than

nor more than

29,460

29,550

48,125

48,200

91,800

91,900

Amendment No. 10 to SB1141

**Berke
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900) according to the 2000 federal census or any subsequent federal census.

Amendment No. 11 to SB1141

Woodson
Signature of Sponsor

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than three hundred eighty-two thousand (382,000) nor more than three hundred eighty-two thousand one hundred (382,100) according to the 2000 federal census or any subsequent federal census.

Amendment No. 12 to SB1141

**Black
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than fifty-four thousand four hundred (54,400) nor more than fifty-four thousand five hundred (54,500) according to the 2000 federal census or any subsequent federal census.

Amendment No. 13 to SB1141

**Black
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than one hundred thirty thousand four hundred (130,400) nor more than one hundred thirty thousand five hundred (130,500) according to the 2000 federal census or any subsequent federal census.

Amendment No. 14 to SB1141

**Berke
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than twenty seven thousand seven hundred (27,700) nor more than twenty seven thousand eight hundred (27,800) according to the 2000 federal census or any subsequent federal census.

Amendment No. 15 to SB1141

**Yager
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than fifty-one thousand nine hundred (51,900) nor more than fifty-two thousand (52,000) according to the 2000 federal census or any subsequent federal census.

Amendment No. 21 to SB1141

**Herron
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
16,500	16,575
11,700	11,800
25,450	25,550
31,100	31,200
7,900	7,970
32,400	32,500
7,600	7,700
34,800	34,900

Amendment No. 22 to SB1141

**Black
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following as a new, appropriately designated subsection in the amendatory language of SECTION 1:

() The legislative body of any county that has been exempted from this section may adopt a resolution by a two-thirds (2/3) vote to make this section applicable within such county.

Amendment No. 23 to SB1141

**Overbey
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than

nor more than

105,800

105,900

71,100

71,200

Amendment No. 24 to SB1141

**Black
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding a new section thereto:

§ 40-7-123.

(a) The Tennessee peace officer standards and training commission shall develop a standardized written procedure for verifying the citizenship status of individuals who are arrested, booked, or confined for any period in a county or municipal jail or detention facility and report to the appropriate federal officials those individuals who may be in violation of the Immigration and Naturalization Act, as compiled in 8 U.S.C §1101 et seq.

(b) When a person is arrested, booked or confined for any period in the jail of the county or any municipality, the keeper of the jail shall utilize the above-referenced procedure to verify the citizenship status of each arrested, booked, or otherwise confined individual and report those individuals who are determined to be in violation of the Immigration and Naturalization Act, as compiled in 8 U.S.C §1101 et seq., to the appropriate federal officials.

(c) The provisions of this section shall not apply to any county or municipality that has entered into and is operating under a memorandum of understanding with the United States department of homeland security concerning enforcement of federal immigration laws.

SECTION 2. This act shall take effect on January 1, 2011, the public welfare requiring it.

Amendment No. 1 to Amendment 24 to SB1141

**Black
Signature of Sponsor**

AMEND Senate Bill No. 1141

House Bill No. 670*

By deleting subsection (b) of § 40-7-123, as amended, and by substituting instead the following language:

(b) When a person is arrested, booked or confined for any period in the jail of the county or any municipality, the keeper of the jail shall utilize the above-referenced procedure to verify the citizenship status of each arrested, booked, or otherwise confined individual and report those individuals to the appropriate federal officials if the keeper of the jail determines that the individual is in violation of the Immigration and Naturalization Act, as compiled in 8 U.S.C §1101 et seq., or if such status cannot be determined.

Amendment No. 25 to SB1141

Beavers
Signature of Sponsor

AMEND Senate Bill No. 1141

House Bill No. 670*

By deleting the language "appropriate federal officials" wherever it appears in the amendatory language of Section 1 of Senate Amendment No. 24 with drafting code (#018939) and substituting instead the language "appropriate Immigration and Customs Enforcement Detention and Removal Operations field office"

Amendment No. 2 to SB2606

Ketron
Signature of Sponsor

AMEND Senate Bill No. 2606

House Bill No. 2510*

by deleting subdivision (j)(1) in the amendatory language of Section 1 of the bill and substituting instead the following:

(j)(1) In addition to any other fee permitted in this section or by law, the register of any county having a population of:

<u>not less than:</u>	<u>nor more than:</u>
26,700	26,800
31,300	31,400
69,400	69,500
182,000	182,100
307,800	307,900

according to the 2000 federal census or any subsequent federal census, may demand and receive for such register's services a two dollar (\$2.00) electronic filing (efile) submission fee for each electronically filed document which is recorded over the Internet through such register's county electronic filing portal.

Amendment No. 3 to SB2606

**Finney L
Signature of Sponsor**

AMEND Senate Bill No. 2606

House Bill No. 2510*

by deleting subdivision (j)(1) in the amendatory language of Section 1 of the bill and by substituting instead the following:

(j)(1) In addition to any other fee permitted in this section or by law, the register of any county having a population of:

<u>not less than:</u>	<u>nor more than:</u>
26,700	26,800
31,300	31,400
69,400	69,500
91,800	91,900
182,000	182,100
307,800	307,900

according to the 2000 federal census or any subsequent federal census, may demand and receive for such register's services a two dollar (\$2.00) electronic filing (efile) submission fee for each electronically filed document which is recorded over the Internet through such register's county electronic filing portal.

Amendment No. 4 to SB2606

**Black
Signature of Sponsor**

AMEND Senate Bill No. 2606

House Bill No. 2510*

by inserting the figure "130,400" under the column heading "not less than" and by inserting the figure "130,500" under the column heading "nor more than" in subdivision (j)(1) in Section 1 of the bill as amended.

Amendment No. 5 to SB2606

**Overbey
Signature of Sponsor**

AMEND Senate Bill No. 2606

House Bill No. 2510*

by inserting the language “or any county having a population of not less than seventy-one thousand one hundred (71,100) nor more than seventy-one thousand two hundred (71,200),” between the language “(307,900),” and the language “according to” in the amendatory language of subsection (j)(1) of Section 1.

Amendment No. 6 to SB2606

McNally
Signature of Sponsor

AMEND Senator Bill No. 2606

House Bill No. 2510*

by deleting subdivision (j)(1) in the amendatory language of Section 1 of the bill and by substituting instead the following:

(j)(1) In addition to any other fee permitted in this section or by law, the register of any county having a population of:

<u>not less than:</u>	<u>nor more than:</u>
26,700	26,800
31,300	31,400
69,400	69,500
91,800	91,900
182,000	182,100
307,800	307,900

according to the 2000 federal census or any subsequent federal census, may demand and receive for such register's services a two dollar (\$2.00) electronic filing (efile) submission fee for each electronically filed document which is recorded over the Internet through such register's county electronic filing portal.

Amendment No. 8 to SB2606

**Black
Signature of Sponsor**

AMEND Senate Bill No. 2606

House Bill No. 2510*

by inserting the figure "130,400" under the column heading "not less than" and by inserting the figure "130,500" under the column heading "nor more than" in subdivision (j)(1) in Section 1 of the bill as amended.

Amendment No. 9 to SB2606

**Overbey
Signature of Sponsor**

AMEND Senate Bill No. 2606

House Bill No. 2510*

by inserting the language “or any county having a population of not less than seventy-one thousand one hundred (71,100) nor more than seventy-one thousand two hundred (71,200),” between the language “(307,900),” and the language “according to” in the amendatory language of subsection (j)(1) of Section 1.

Amendment No. 10 to SB2606

**Gresham
Signature of Sponsor**

AMEND Senate Bill No. 2606

House Bill No. 2510*

by deleting subdivision (j)(1) in the amendatory language of Section 1 of the printed bill and by substituting instead the following:

(j)

(1) In addition to any other fee permitted in this section or by law, the register of any county having a population of:

<u>not less than</u>	<u>nor more than</u>
15,500	15,600
14,500	14,600
28,800	28,900
28,100	28,200
25,575	25,650
19,780	19,850
24,600	24,700
16,800	16,900

according to the 2000 federal census or any subsequent federal census, may demand and receive for such register's services a two dollar (\$2.00) electronic filing (efile) submission fee for each electronically filed document which is recorded over the Internet through such register's county electronic filing portal.

Amendment No. 1 to Amendment 10 to SB2606

**Gresham
Signature of Sponsor**

AMEND Senate Bill No. 2606

House Bill No. 2510*

By deleting the following language from SA 1212 (draft no. 1702261):

by deleting subdivision (j)(1) in the amendatory language of Section 1 of the printed bill
and by substituting instead the following:

(j)

(1) In addition to any other fee permitted in this section or by law, the
register of any county having a population of:

and by substituting instead the following:

By adding the following language in the amendatory language of subsection (j)(1)
of Section 1, as amended:

Amendment No. 11 to SB2606

Johnson
Signature of Sponsor

AMEND Senate Bill No. 2606

House Bill No. 2510*

by inserting the figure "126,600" under the column heading "not less than" and by inserting the figure "126,700" under the column heading "nor more than" in subdivision (j)(1) in Section 1 of the bill as amended.

Amendment No. 12 to SB2606

McNally
Signature of Sponsor

AMEND Senate Bill No. 2606

House Bill No. 2510*

By deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 8-21-1001, is amended by deleting subsection (j) in its entirety and adding the following as a new, appropriately designated subsection:

(j)

(1) In addition to any other fee permitted in this section or by law, the register of any county may demand and receive for such register's services a two dollar (\$2.00) electronic filing (efile) submission fee for each electronically filed document which is recorded over the Internet through such register's county electronic filing portal.

(2) The register shall waive and exempt all electronic filing submission fees authorized pursuant to subdivision (1) for official government documents filed by local, state, or federal government entities of the United States in the course of their official government business.

(3) The provisions of this subsection (j) shall only be effective in any county to which this subsection applies upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body of such county.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB3449

Gresham
Signature of Sponsor

AMEND Senate Bill No. 3449

House Bill No. 3149*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-17-107, is amended by deleting the section in its entirety.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.